



## *Report to the Auburn City Council*

Action Item  
Agenda Item No. **13**

*[Signature]*  
City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Reg Murray, Senior Planner  
**Date:** May 13, 2013  
**Subject:** Ordinance Amendment – Emergency Shelters and Transitional and Supportive Housing (File 301.3(bb))

### *The Issue*

Should the City Council direct staff to: 1) finalize an ordinance amendment for Emergency Shelters and Transitional and Supportive Housing; and 2) provide notification regarding the proposed ordinance amendment?

### *Recommended Motions*

- A. By Motion, direct staff to finalize an ordinance amendment for Emergency Shelters and Transitional and Supportive Housing, with emergency shelters considered a use permitted by right in a zone district (or districts) as determined by City Council; and continue the public hearing to June 10, 2013.
- B. By Motion, direct staff to provide public notification of the ordinance for Emergency Shelters and Transitional and Supportive Housing by one of the following methods:
  - 1. Provide public notification as required by State law.
  - 2. Provide public notification as required by State law; and, send individual public notification to all owners of property in the zone(s) selected for the proposed ordinance amendment.
  - 3. Provide public notification as required by State law; and, send individual public notification to all owners of property and all business owners (holding an existing business license as identified by the Auburn Finance Department) in the zone(s) selected for the proposed ordinance amendment.

### *Background*

On April 8, 2013, the Auburn City Council considered a proposed ordinance amendment for Emergency Shelters and Transitional and Supportive Housing. The ordinance amendment identified the Industrial (M-2) zone as the zone district where permanent emergency shelters would be permitted by right (i.e. without additional discretionary action); established standards to allow temporary emergency shelters as an institutional use; and, designated transitional housing

and supportive housing as permitted use types in the multi-family residential (R-3) zone district. The Council report for the April 8<sup>th</sup> hearing is provided as Attachment 1.

During the hearing, the City Council reviewed and discussed several issues associated with the proposed ordinance amendment. The City Council also received testimony from several members of the public. A copy of the Draft minutes summarizing the issues and comments from April 8<sup>th</sup> hearing is provided as Attachment 2.

Based on its deliberations, the Auburn City Council identified several issues of importance and directed staff to return with additional information for their consideration on May 13, 2013. Those issues are enumerated here with additional analysis provided below:

- Contacting Placer County to determine the County's interest in participating in a multi-jurisdictional for the provision of emergency shelters.
- Evaluate whether emergency shelters can be located at the Auburn Airport.
- Provide additional information about the various zone districts in the City.

Additional issues were discussed during the hearing, including a request by UPRR to require the fencing of emergency shelters, as well as notification efforts to the property owners and business owners in the M-2 zone where the emergency shelter issue was originally considered. Additional information about these two issues is also provided below.

### **Analysis**

#### **A. Multi-jurisdictional Alternative**

As noted in the April 8<sup>th</sup> Council report (Attachment 1) the provisions of SB 2 require that jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit).

Comment was made during the April 8<sup>th</sup> hearing that SB 2 includes a provision whereby jurisdictions can enter into a multi-jurisdictional agreement with adjacent agencies to satisfy their requirements to provide for emergency shelters. Council questioned whether this approach would relieve the City of the requirement to amend the municipal code and identify a zone district for emergency shelters. The initial response at the public hearing was that a multi-jurisdictional agreement would satisfy this requirement; however, City staff, including the City Attorney, reviewed this issue after the hearing and determined that a multi-jurisdictional agreement would not eliminate the City's requirement to identify a zone district for emergency shelters. While the option to enter into a multi-jurisdictional agreement would eliminate the City's requirement to designate a zone district where shelters must be permitted "by right" (i.e. without a use permit), SB 2 still requires that the City identify a zone district where emergency shelters would be permitted upon approval of a use permit (Attachment 3; Page 12 & Page 20 (Section 65583.a.4.C)).

Based on interest in a multi-jurisdictional approach, Council directed staff to contact Placer County in order to determine the County's interest in participating in a multi-jurisdictional agreement as a means of satisfying each jurisdiction's requirement to address the needs of

the homeless. On April 8, 2013 staff submitted a letter to the Placer County Executive's Office requesting input from the County on their level of interest in participating in a multi-jurisdictional agreement (Attachment 4).

The County responded on May 1, 2013 with the letter provided as Attachment 5. The County states therein that they already comply with SB 2, and also note that they do not have any funds to commit to a year-round shelter. The County would, however, be open to additional discussions regarding a multi-jurisdictional agreement for the development and operation of an emergency shelter if the City were to finance the shelter.

#### Shelter Costs

Based on the County's response, staff conducted a survey in an effort to quantify costs associated with the construction and operation of an emergency shelter. Staff contacted more than ten other jurisdictions/shelters, with little success (one reply with information). Costs to open facilities can vary significantly depending on factors associated with the facility, including: type of facility (i.e. for individuals or families); services and amenities provided (e.g. cots vs. beds); land acquisition; new construction versus tenant improvements at an existing building. Sample information found by staff placed the cost to open a facility between \$9,571-\$50,000 per bed. Based on these costs, a 30-bed facility would range from \$287,130-\$1,500,000, while a 60-bed facility would be \$574,260-\$3,000,000.

The City is also responsible for the continued maintenance and operation of the facility. Information from a Volunteer of America (VoA) shelter in Sacramento indicates operational costs for their 80-bed facility at ±\$485,000 for FY 12/13, or roughly \$6,062 per bed. Applying the VoA costs to a sample 30 or 60-bed facility, maintenance and operation would range from \$181,860 - \$363,720 per year. Information from HUD indicates that rates can vary widely and can be significantly higher (e.g. from \$6,600 per bed for individuals to \$20,000-\$40,000 per bed for families).

#### Conclusion

Based on the preceding information, Placer County is only tentatively interested in a multi-jurisdictional agreement, with the City responsible for the financial startup of any facility. Even if the City were to pursue the Agreement alternative, the City will still be required to process a code amendment and identify a zone district where emergency shelters can be permitted upon approval of a use permit.

#### **B. Auburn Airport Alternative**

During the April 8<sup>th</sup> hearing, the City Council raised the question as to whether the City should consider the Auburn Airport, and in particular the Airport Industrial Design Control (AI-DC) zone district which applies to the airport, as an appropriate location/zone for emergency shelters. The question was raised, at least in part, due to the relative proximity of resources typically used by the homeless that can be found at the nearby Placer County offices located on Bell Road.

The Placer County Transportation and Planning Agency (PCTPA) is the land use planning agency for the airport, reviewing potential uses for compatibility with the Placer County Airport Land Use Compatibility Plan (ALUCP). To assist with PCTPA's consideration of the issue, staff prepared a memo (Attachment 6) which provided a preliminary analysis of the land use issues and requested that PCTPA provide a consistency analysis to determine whether or not emergency shelters would be a compatible land use for the airport industrial property at the airport.

The PCTPA reviewed the request and responded with the attached determination (Attachment 7). In summary, PCTPA concluded the following:

- Concerns related to airport noise limit emergency shelters to only the C1 Compatibility Zone within the airport industrial area.
- Measures to address noise concerns would need to be addressed on an individual project basis.
- Emergency shelters could potentially be included in the institutional land use category for purposes of the ALUCP.
- A land use in which the majority of the occupants are children, elderly, and the disabled would not be permitted in any of the ALUCP Compatibility Zones applicable to the Auburn Airport industrial property.

The findings by the PCTPA raise the following issues:

1. Based on concerns related to airport noise, emergency shelters could only be located in the C1 Compatibility Zone within the airport industrial area. As a result, shelters would generally be limited to the properties on the south side of Earhart Avenue. This limitation would not be consistent with the State statute since the use would not be permitted throughout all of the AI-DC zone.
2. As noted above, measures to address noise concerns would be addressed on a case-by-case basis (i.e. use permit process needed to insure compatibility). This requirement establishes an additional level of review which is not consistent with the State statute (that prohibits other discretionary permits).
3. Several use types are included in the institutional land use category of the ALUCP: schools, day care centers, residential care facilities, churches, and parks. According to the ALUCP, none of these use types support emergency shelters as a use permitted "by right" in the C1 Compatibility Zone. As such, the applicable institutional uses would not be consistent with the State statute.
4. The PCTPA's review noted that the number of children, the elderly, and the disabled that might be found at a shelter cannot be in the majority. In order to insure this type of standard, the operation of an emergency shelter would need to be conditioned (i.e. through a use permit process) to ensure compliance with this standard. As previously noted, the zone district selected for emergency shelters cannot require any additional discretionary actions; therefore, the AI-DC zone would not comply with that requirement.



5. An ordinance amendment that would allow emergency shelters in the AI-DC zone district will require a consistency determination by the ALUC prior to adoption of the code amendment. Based on the requirements noted above relating to the need for additional conditions and evaluation, staff believes that the ALUC will not approve of a request to permit emergency shelters in the AI-DC zone “by right,” but instead, would consider such facilities to be conditionally permitted uses only allowed in the C1 Compatibility Zone. Pursuant to the statute requiring emergency shelters, jurisdictions must allow emergency shelters by right, therefore, the AI-DC zone would not be an appropriate zone district for emergency shelters.

Conclusion – Based on the findings noted above, the AI-DC zone district does not comply with the requirements of the statutes established in association with SB 2, therefore, the Auburn Airport would not be an appropriate location for a permanent emergency shelter(s).

### C. Review of City’s Zone Districts

During their deliberations on the Industrial (M-2) zone district, the Council expressed its desire for information about the City’s other zones districts and directed staff to provide additional material. Staff prepared overviews for each of the City’s zone districts which are provided with Attachments 10-18.

- Two-family Residential (R-2)
- Medium Density Multiple-Family Residential (R-3)
- Neighborhood Commercial (C-1)
- Central Business District (C-2)
- Regional Commercial (C-3)
- Highway Service (HS)
- Office Building (OB)
- Light Manufacturing (M-L)
- Industrial Park District (M-1)

The Single-family Residential (R-1), Agricultural Residential (AR), and Open Space & Conservation (AR) zones were excluded from review due to the primary character of each zone (i.e. residential and open space).

As illustrated with the zone overviews, there are several zone districts (in addition to the M-2 zone) that could provide a sufficient number of adequate sites, with minimal conflicts from the R-1 zone district and reasonable access to transit and services. The list of feasible zone districts that the City Council may wish to consider is provided below.

#### *Feasible alternatives to the M-2 zone district*

Medium Density Multiple-Family Residential (R-3)  
Neighborhood Commercial (C-1)  
Central Business District (C-2)  
Regional Commercial (C-3)  
Office Building (OB)  
Industrial Park District (M-1)

Conclusion - The City Council could proceed with the original proposal to select the M-2 zone district, or it could select one or more of the following zone districts to satisfy the requirements of Senate Bill 2.

**Zoning Overlay –**

An additional option not discussed at the April 8<sup>th</sup> Council hearing involves the use of a zoning overlay. With this process, the City would apply a zoning overlay “on top of” the existing zone designation for the property or properties selected for the overlay. This overlay (e.g. the Emergency Shelter (ES) overlay) would be in addition to the existing, underlying zone designation and would allow emergency shelters as a use in addition to the uses permitted by the original zone district. The use of the zoning overlay process is an allowable option by the State.

This process enables the City to identify specific locations which it believes to be appropriate for emergency shelters, without the need to identify/select an entire zone district (i.e. individual lots or areas can be selected without regard to the zone designation of the properties). The City would be required to identify an appropriate number of locations to insure that it provides a sufficient number of adequate sites as required by SB 2.

The option to pursue the zoning overlay will require additional steps by the City and includes the following:

- An ordinance amendment would be required to add the Emergency Shelter (ES) overlay designation to the Auburn Municipal Code.
- A sufficient number of adequate sites would need to be identified by the City.
- Each site would need to be rezoned to include the ES overlay.
- Environmental (CEQA) review would be required for each site.
- Legal notice would need to be provided to all property owners of the lot(s) selected for the ES overlay.
- Legal notice would need to be provided to all property owners within 500 feet of each ES overlay.
- Public hearings before the Planning Commission would be required for the ordinance amendment and for each site rezoned for the ES overlay.
- Public hearings before the City Council would be required for the ordinance amendment and for each site rezoned for the ES overlay.

Staff conducted an initial review of sites that the City Council could consider (see below); information for each of the areas is attached (see Attachment 19).

- Nevada Street, west of the movie theater.
- North end of Wall Street.
- Mixed-use Zone #8 on Nevada Street.
- Commercial/industrial area on Sacramento Street at Auburn Folsom Road
- Auburn Ravine Road, west of Epperle Lane, south of Auburn Ravine Road

If the City Council wishes to pursue this option, then the Recommended Motions provided above will not be necessary. Provided below are alternative motions the City Council would need to take in order to pursue the overlay option:

**Alternative Motions:**

1. By Motion, direct staff to prepare an ordinance amendment to add the Emergency Shelter (ES) overlay designation to the Auburn Municipal Code.

2. By Motion, the City Council identifies the following properties for application of the Emergency Shelter (ES) overlay.
  - i.
3. By Motion, direct staff to initiate a rezone for each of the properties identified for the Emergency Shelter (ES) overlay.
4. By Motion, direct staff to finalize an ordinance amendment for Transitional and Supportive Housing and return to Council on June 10, 2013.

#### **D. Railroad Property**

A representative of Union Pacific Railroad (Liisa Stark) addressed the City Council and expressed concern about the proposed ordinance allowing shelters in the M-2 zone district and the resulting proximity shelters would have to UPRR's rail lines. UPRR requested that the City amend the ordinance to include fencing requirements for emergency shelters.

As noted at the Council hearing, jurisdictions are restricted from placing development standards on emergency shelters when those standards do not also apply to other uses permitted in the same zone. The Auburn Municipal Code does not currently include any fencing standards; therefore, it would be difficult for the City to justify the imposition of a fencing standard for emergency shelters when no such standard exists for other uses in the zone. One alternative available to the City Council would be to amend the City's Municipal Code to establish fencing standards; thereby eliminating the existing conflict. If enacted, the requirement to provide fencing would apply to all new businesses or uses, as any standards that apply to shelters must apply equally to other uses. This would apply both to businesses and shelters in new buildings or moving in to existing buildings.

#### **E. Outreach to Business Associations**

During the public hearing, concern was expressed by members of the public and City Council that notification of the pending code amendment for emergency shelters had not been provided to the City's business associations (e.g. the Chamber of Commerce; Downtown Business Association, to the property owners and business owners located within the (M-2) zone district that was being considered as part of the ordinance, and other interested parties.

In response to these concerns, staff sent notification to the City's business associations, including the Old Town Business Association, the Auburn Airport Business Park, the Auburn Chamber of Commerce, the Downtown Business Association, and the Hwy 49 Business Association, on April 17, 2013 (see Attachment 8). Staff also provided notification to several interested parties including the Placer Consortium on Homelessness, The Gathering Inn, and Union Pacific Railroad (see Attachment 9). Staff received one inquiry, about the nature of the ordinance amendment, in response to the notification.

#### **F. Noticing**

During the April 8<sup>th</sup> hearing, the City Council asked if any public notification had been provided to the property owners and business owners of the Industrial (M-2) zone district. Staff noted that public notice was provided as required by law, which involved the publication of an 1/8<sup>th</sup> page notice in the Auburn Journal. Council expressed concern that

additional public notice had not been provided to all property and business owners in the zone district. If the City Council does identify a zone district, or districts, for emergency shelters and believes that additional notice is necessary, Council may want to provide direction to staff on the form of that notification. Staff provided Recommended Motion B to address the Council's preference for notification.

If the City Council ultimately selects the M-2 zone district, then Motion B.1 has already been satisfied and no further action on noticing would be required. If an additional or alternative zone district is selected, then additional public notice in the paper would be required and Council could make Motion B.1. If Council wants public notice sent to all property owners in the district (or districts) selected, then Council would want to make Motion B.2. If Council would like notice to also include all business owners in addition to the property owners, then Motion B.3 should be selected.

### Alternatives

1. Identify the M-2 zone as the zone district where emergency shelters would be permitted by right and direct staff to finalize an ordinance amendment for Emergency Shelters and Transitional and Supportive Housing to be heard on June 10, 2013.
2. Identify a zone district (or districts) where emergency shelters would be permitted by right and direct staff to finalize an ordinance amendment for Emergency Shelters and Transitional and Supportive Housing to be heard on June 10, 2013.
3. Decide to proceed with a zoning overlay process and identify the properties for the Emergency Shelter (ES) overlay. Direct staff to develop the required ordinance amendment to add the Emergency Shelter (ES) overlay district to the zoning ordinance and to process the required rezone requests for each of the properties identified by City Council.

### Attachments

1. City Council Report for April 8, 2013 (full packet available in City Clerk's office)
2. Draft Minutes (excerpted) of the April 8, 2013 City Council hearing
3. SB 2 Statute with HCD Cover Memo
4. Letter to Placer County Executive Office – April 11, 2013
5. Letter from Placer County Community Development Resource Agency – May 1, 2013
6. Letter to PCTPA – April 16, 2013
7. Letter from PCTPA – April 29, 2013
8. Letter to Auburn Business Associations – April 17, 2013
9. Letter to Interested Parties – April 17, 2013
10. Zone District Review – Two-Family Residential (R-2)
11. Zone District Review – Medium Density Multiple-Family Residential (R-3)
12. Zone District Review – Neighborhood Commercial (C-1)
13. Zone District Review – Central Business District (C-2)
14. Zone District Review – Regional Commercial (C-3)
15. Zone District Review – Highway Service (HS)
16. Zone District Review – Office Building (OB)
17. Zone District Review – Light Manufacturing (M-L)
18. Zone District Review – Industrial Park District (M-1)
19. Overlay Zone - Sites Information

# **ATTACHMENT 1**

## **CITY COUNCIL STAFF REPORT**

### **CITY COUNCIL HEARING**

**April 8, 2013**

**Complete Packet Available:  
Auburn City Clerk's Office  
1225 Lincoln Way  
Room #9  
Auburn, CA 95603**

By **MOTION**, hold a second reading, by title only and adopt an **ORDINANCE 13-05** to amend the Auburn Municipal Code Section 100.87 of Chapter 100 of Title IX, Fuel Modification Standards, Requirements.

5. **Multimodal Platform Extension – Consultant Agreement**

By **RESOLUTION 13-27**, authorize the Director of Public Works to execute a professional services agreement with Ubora Engineering and Planning, Inc. for preliminary engineering and environmental services for the Multimodal Platform Extension Project subject to approval of form by the City Attorney in an amount not to exceed \$51,315.

6. **Auburn School Park Preserve Community Garden Lease Agreement**

By **RESOLUTION 13-28**, authorize the City Manager to execute the Community Garden Lease with Placer Land Trust.

7. **Request for Waiver of City Fees for Leadership Auburn Class of 2013 Project**

By **RESOLUTION 13-29**, waive the City Fees for Leadership Auburn Class of 2013 Project – Gold Country Fairgrounds – Entryway Improvements.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION**, approve the consent calendar.

**MOTION: Nesbitt/ Powers/ Approved 5:0**

8. **Public Comment**

Council Member Nesbitt congratulated staff on winning the Clean Air award.

**PUBLIC HEARING**

9. **Ordinance Amendment – Emergency Shelters and Transitional and Supportive Housing**

Senior Planner Reg Murray presented this item. He said in 2007, the state enacted Senate Bill 2, requiring jurisdictions to plan for and accommodate emergency shelters in their Housing Element of the General Plan. He said the jurisdiction must identify one zone district where homeless shelters can be provided. He said the bill also mandated the local jurisdictions to amend their code to permit “transitional housing” and supportive housing”. He explained the revisions to the code to meet this new requirement. He

reviewed the recommended changes by the Planning Commission and provided staff analysis on those recommendations. He spoke about the correspondence received from the public and the resulting revisions. He said staff's recommendation is to take action as listed on the agenda with the following revisions: (1) amend the separation standards between the shelters and the R-1 Zone from 500 feet to 300 feet, (2) delete the separation standard as it appears between shelters and parks, libraries and schools, (3) amend the method of measurement of how the distance separation is determined and (4) to replace references to "premises" with the word "building".

Council Member questions followed regarding: (1) location of a potential year round emergency shelter, (2) minimum requirements according to state regulations, (3) occupancy limits for temporary shelters, (4) multi-jurisdictional approach, (5) Industrial M-2 zone district project review and approval, (6) timeliness of code revisions, (7) notification to residents/tenants/business owners, (8) Housing Element submitted to the State, (9) services located near M-2 zones, (10) homeless population, (11) encampment type set-ups, (12) Downtown Business Association, (13) legal challenges to separation distances, (14) existing permanent emergency shelters located in Placer County, (15) nearby services for the homeless, (16) Planning Commission Hearing attendance by public and commissioners, (17) the survey on homeless population, (18) occupancy standards, and (19) Salvation Army resources.

Public comment:

Suzi deFosset, 165 Village Lane, Auburn, Executive Director of the Gathering Inn, said a survey in 2011 counted 631 homeless individuals in Placer County. She said she recommends increasing the capacity at the shelter from 30 people to 60 people.

Heather Ireland, resident of Meadow Vista, presented a map of social services and proposed zones in Auburn (including County areas), she said she would like the Dewitt Center considered.

Bob Haydon, resident of Auburn, asked when the code amendment must be adopted, Union Pacific Railroad's position on this issue, and the process of ordinance adoptions. He spoke of access on Borland in regards to the railroad track.

Liisa Stark of Union Pacific Railroad said they are concerned with the proposed ordinance that would allow for homeless facilities in very close proximity to the main line tracks. She spoke of the potential risks and asked for additional security measures. She proposed language for the ordinance to address these concerns. She asked if the airport property has been considered.

Tim Burn, homeless in Placer County, spoke of his experience as homeless person. He spoke of the lack of resources for the homeless in Auburn.

Kathy Engle, resident at 12293 New Airport Rd in Placer County, spoke of the negative impact on homelessness with little to no resources.

Richard Fong, resident at 12110 Herdal Dr. in Auburn, spoke about the lack of notification to property owners affected by this ordinance.

Michael Carroll, St. Teresa's Catholic Church in Placer County, asked for compassion for the homeless. He spoke of the services his church offers the homeless. He said the homeless problem has become an epidemic.

Joseph Tucciarone, of Auburn, asked if the airport area has been considered for this type of zoning.

Danusia Szumowski, resident at 177 Borland Ave in Auburn, said the industrial area proposed is not the right area due to lack of resources and track proximity.

Tom Jones, resident of Auburn, asked the Council questions about the proposed ordinance. He said he is concerned that this is being rushed and more data is needed.

Tom Burn (spoke earlier) provided information on CA Health and Safety code 50801 regarding shelters.

Jeff Cowan, 179 Electric St. Auburn, said he supports the city moving forward with this amendment, with a capacity of 60 beds.

Ken Geil, 165 Lubeck Auburn, spoke of the M-2 zone and the proximity to the railroad tracks. He spoke of other possible areas for this zoning.

Council Member comments followed regarding (1) complying with the state mandate/housing element, (2) proximity to services for the homeless, (3) multi-jurisdictional approach, (4) homeless population in Auburn, (5) Airport property, (6) city vs. county property, (7) FAA restrictions on airport property, (8) other zoning options, (9) receiving more community input, (10) partnering with the County, (11) lack of capability in the city limits for a facility, (12) finding collaborative and sensible conclusions, and (13) continuing the item.

City Attorney Michael Colantuono explained the possibly consequences of not having a certified housing element.



Mayor Hanley said the housing element should be reviewed by City Council before it goes to the State Department of Community Development for input.

By **MOTION**, continue item to the first meeting in May 2013 in order to explore other options, with multi-jurisdictional option as top priority.

**MOTION: Nesbitt/Holmes/Approved 5:0**

Mayor Hanley recessed the meeting at 8:00 p.m.  
Meeting resumed at 8:10 p.m.

10. **Ordinance Amendment – Residential Care Facilities**

Senior Planner Reg Murray presented this item. He said this ordinance will define residential care facilities and permit large residential care facilities in the Multiple-family Residential (R-3) zone district and the Central Business District (C-2).

Council Member Holmes asked about state licensing requirements.

- A. By **MOTION**, adopt a Statutory Exemption prepared for the Residential Care Facilities Ordinance as the appropriate level of environmental review in accordance with Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) and Guidelines;
- B. By **MOTION**, adopt the following Findings of Fact for approval of the Residential Care Facilities Ordinance:
  - 1. The Ordinance implements State law;
  - 2. The Ordinance is consistent with the Auburn General Plan Housing Element;
  - 3. The Ordinance is the minimum necessary to protect the public interest, health, safety and general welfare.
- C. By **MOTION**, introduce and hold a first reading, by title only, of the Residential Care Facilities Ordinance.

**MOTION: Nesbitt/Powers Approved 5:0**

11. **Ordinance Amendment – Single Room Occupancy Units**

Senior Planner Reg Murray presented this item. He said this ordinance will allow Single Room Occupancy units in the Regional Commercial (C-3)


**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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**MEMORANDUM**

**DATE:** May 7, 2008

**TO:** Planning Directors and Interested Parties

**FROM:**   
Cathy E. Creswell, Deputy Director  
Division of Housing Policy Development

**SUBJECT:** **Senate Bill 2 -- Legislation Effective January 1, 2008:  
*Local Planning and Approval for Emergency Shelters and  
Transitional and Supportive Housing***

Chapter 633, Statutes of 2007 (SB 2) clarifies and strengthens housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. The law will facilitate efforts to address the critical needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amends housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:

Planning (Government Code Section 65583)

- At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone.
- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.
- Includes flexibility for jurisdictions to meet zoning requirements with existing ordinances or demonstrate the need for emergency shelters can be accommodated in existing shelters or through a multi-jurisdictional agreement.

- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Local Approval (Government Code Section 65589.5: Housing Accountability Act)

- Limits denial of emergency shelters, transitional housing or supportive housing by requiring specific findings.
- Some findings shall not be utilized if new planning requirements of SB 2 are not met; such as identifying a zone without a conditional use permit,

Attached is a briefing paper informing local governments of SB 2, providing assistance in evaluating these new provisions to effectively implement this important new State law; in addition to a copy of the legislation. Electronic copies of these can be found on the Department's website at [www.hcd.ca.gov](http://www.hcd.ca.gov) or the Senate's website at [www.senate.ca.gov](http://www.senate.ca.gov). You may also obtain copies of published bills from the Legislative Bill Room by calling (916) 445-2323. If you have any questions, or seek additional technical assistance, please contact Paul McDougall, HPD Manager, at (916) 445-4728.

Attachments

# **Chapter 633, Statutes of 2007 (Senate Bill 2)**

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# Introduction

## Homeless Needs

Homelessness in California is a continuing and growing crisis. On any given day, there are at least 361,000 homeless individuals in California – or 1.1 percent of the State's total population. Of this number, two-thirds are estimated to be single adults, while the other third are families. Some 30 percent of California's homeless – 108,000 – are so-called "chronic" homeless who have been homeless for six months or more. This population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems and chronic physical health problems or disabilities that prevent them from working. Homeless individuals and families are without permanent housing largely because of a lack of affordable housing, often compounded by limited education or skills, mental illness and substance abuse issues, domestic violence and the lack of family or other support networks.<sup>1</sup>

California's homelessness crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness. Passage of SB 2 strengthened the law to increase its effectiveness in addressing the needs of California's homeless population. The upcoming housing element update presents an important opportunity to make ending homelessness a critical priority.

## Purpose and Objectives of SB 2

The framework of SB 2 resulted from a collaborative effort by key stakeholders including housing and homeless advocates and providers, local governments, planners, and the building industry. SB 2 strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing. SB 2 ensures zoning, development and management standards and permit procedures encourage emergency shelters while allowing flexibility for existing local strategies and cooperative efforts.

SB 2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the new statute requires that every local government zone for the development of emergency shelters, it does not restrict how local governments allocate resources to address local priority needs. For example, nothing in SB 2 prohibits communities from also adopting a "Housing First" strategy to provide homeless persons with housing immediately and then providing services as needed.

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<sup>1</sup> Governor's Interagency Task Force on Homelessness, *Progress Report and Work Plan for 2003*. Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

# Section 1

## Planning

*(Government Code Section 65583)*

## Identifying and Analyzing Needs and Resources

Current law, Government Code Section 65583(a)(7), requires an identification and analysis of the needs of homeless persons and families. The analysis is an essential component of an effective housing element; however data sources can be limited and vary in estimates of need. As a result, an analysis should consider a variety of data sources and include proactive outreach with service providers to examine the degree and characteristics of homeless needs in the community and surrounding communities. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter. Wherever possible, and to better describe the characteristics of needs, this figure could be divided into single males, single females and families (one or more adults with children) as the needs of each subgroup differ significantly.
- As local data or other existing sources permit (see list below), a description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the jurisdiction.
- An inventory of the resources available within the community including shelters, transitional housing and supportive housing units by type. The analysis should estimate the number and type of existing shelter beds, and units of transitional and supportive housing available.
- Assess the degree of unmet homeless needs, including the extent of need for emergency shelters. As part of this analysis, SB 2 now clarifies the need assessment for emergency shelters must consider seasonal and year-round need. In recognition of local efforts to encourage supportive housing, SB 2 allows jurisdictions with 10 Year Plans to End Chronic Homelessness to reduce the need for emergency shelters by the number of supportive housing units identified in an adopted 10-year plan and that are either vacant or funding has been identified to allow construction in the housing element planning period.

Resources to identify and analyze homeless needs, include:

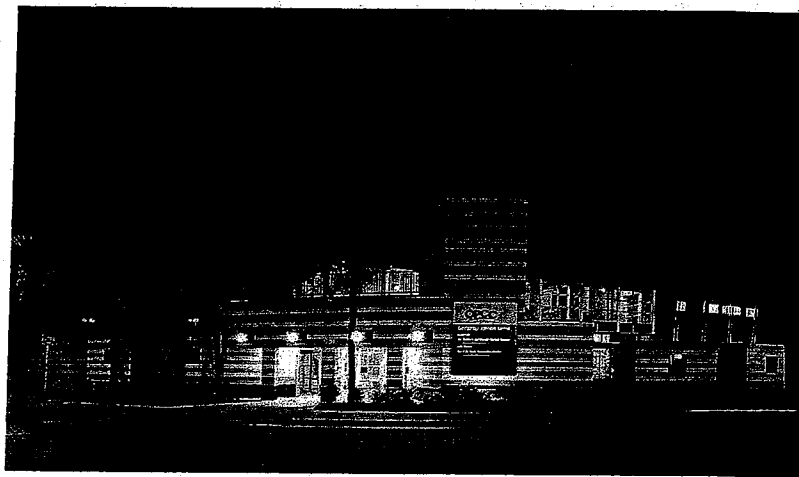
- Consolidated plans
- Continuum of care plans
- 10 Year Plans to End Chronic Homelessness
- Interagency Council on Homelessness, Guide to Developing Plans and Examples (<http://www.ich.gov/slocal/index.html>)



- Local service providers such as continuum of care providers, local homeless shelter and service providers, food programs, operators of transitional housing programs, local drug and alcohol program service providers, county mental health and social service departments, local Salvation Army, Goodwill Industries, churches and schools, and
- 15 countywide Designated Local Boards certified by the Department's Emergency Housing and Assistance Program (<http://www.hcd.ca.gov/fa/ehap/cntys-with-dlb.html>).

## Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements. Most prominently, housing element law now requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for existing zoning districts. For example, some communities may amend one or more existing commercial zoning districts to allow emergency shelters without discretionary approval. The zone(s) must provide sufficient opportunities for new emergency shelters in the planning period to meet the need identified in the analysis and must in any case accommodate at least one year-round emergency shelter (see more detailed discussion below).



Cloverfield Services Center – Emergency Shelter by OPCC in Santa Monica, CA  
Photo courtesy of OPCC in Santa Monica

When identifying a zone or analyzing an existing zone for emergency shelters, the element should address the compatibility and suitability of the zone. The element should consider what other uses are permitted in the zone and whether the zone is suitable for residential or emergency shelters. For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or shelter uses. In some localities, manufacturing or industrial zones may be in transition, where older industrial uses are redeveloping to residential, office or commercial. Transitioning zones may be compatible

with residential uses and suitable for emergency shelters. Also, a commercial zone allowing residential or residential compatible services (i.e., social services, offices) would be suitable for shelters. For example, Sacramento County permits emergency shelters in its commercial zone along with other residential uses and uses such as retail that are compatible with residential.

SB 2 clarifies existing law by requiring zoning identified for emergency shelters to include sufficient capacity to accommodate the need. The identified zone(s) must have sufficient capacity, when taken as a whole, to meet the need for shelters identified in the housing element, and have a realistic potential for development or reuse opportunities in the planning period. Further, capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services). The element should also address available acreage (vacant or underutilized) and the realistic capacity for emergency shelters in the zone. For example, if a jurisdiction identifies the public institution zoning district as the zone where emergency shelters will be allowed without a conditional use permit, the element should demonstrate sufficient acreage within the zoning district that could accommodate the actual development of an emergency shelter. The element could also discuss the potential for reuse or conversion of existing buildings to emergency shelters.

SB 2 ensures that each local government shares the responsibility to provide opportunities for the development of emergency shelters. Regardless of the extent of need identified in the element, local governments must provide zoning to allow at least one year round emergency shelter, unless the need for emergency shelters is accommodated through existing shelters or a multi-jurisdictional agreement (see discussion below). This is especially important given the fact that the homeless population is not always visible in the community; is sometimes transitory; data resources are frequently inadequate and the availability and adequacy of services and programs vary significantly by community and can impact the homeless count.

If a local government's existing zoning does not allow emergency shelters without a conditional use permit or other discretionary action, the housing element must include a program to identify a specific zone(s) and amend the zoning code within one year of adoption of the housing element (65583(a)(4)). The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement (discussed in later sections).

Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

## Permitting Emergency Shelters without Discretionary Action

To comply with SB 2, localities must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner (localities may however apply development standards pursuant to Section 65583(a)(4)). In such zones, permitted uses, development standards and permit procedures must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. However, local governments may apply non-discretionary design review standards.



Emergency Shelter – Jackson, California  
Photo courtesy of Amador-Tuolumne Community Action

A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

## Development Standards to Encourage and Facilitate Emergency Shelters

SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For example, a light commercial zone might permit a range of wholesaler, service repair and business services subject to buildable area and lot area requirements. In this case, the emergency shelter may be subject only to the same buildable area and lot area requirements. The same zone might permit residential uses subject to certain development standard (i.e., lot area, heights, and setbacks) requirements. In this case, emergency shelters should only be subject to the same development standards.

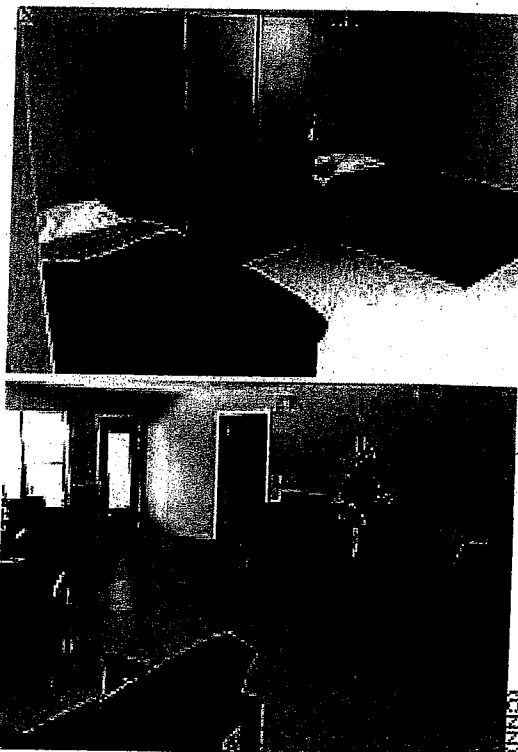
To demonstrate that processing procedures and standards are objective and encourage and facilitate development of emergency shelters, the housing element must address how:

- zoning explicitly allows the use (meaning the use is specifically described in the zoning code);
- development standards and permit procedures do not render the use infeasible;
- zoning, development and management standards, permit procedures and other applicable land-use regulations promote the use through objective; and predictable standards.

SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute and below.

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.

These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations. Appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property.

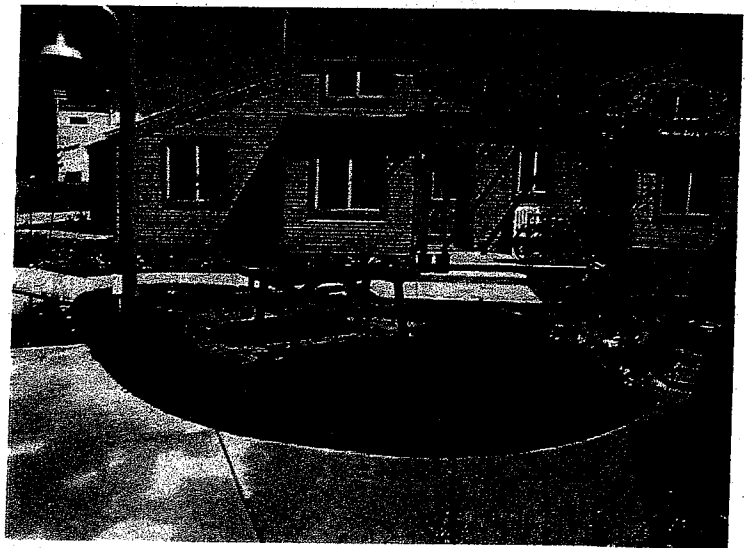


## Encouraging Multi-Jurisdictional Cooperation and Coordination

SB 2 recognizes and encourages multi-jurisdictional coordination by allowing local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement, with a maximum of two adjacent communities. The agreement must commit the participating jurisdictions to develop at least one year-round shelter within two years of the beginning of the housing element planning period. For example, jurisdictions in Southern California Association of Governments (SCAG) region with a statutory due date of June 30, 2008 would need to ensure the development of shelter(s) by June 30, 2010. To utilize this provision, local governments must adopt an agreement that allocates a portion of the new shelter capacity to each jurisdiction as credit towards the jurisdiction's emergency shelter need. The housing element for each participating local government must describe how the capacity was allocated. In addition, the housing element of each participating jurisdiction must describe:

- How the joint facility will address the local governments need for emergency shelters.
- The local government's contribution for both the development and ongoing operation and management of the shelter.
- The amount and source of the funding to be contributed to the shelter.
- How the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

If the local government can demonstrate that the multi-jurisdictional agreement can accommodate the jurisdiction's need for emergency shelter, the jurisdiction is authorized to comply with the zoning requirements for emergency shelters by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit.



Quinn Cottages, Transitional Housing in Sacramento, CA  
Photo courtesy of Cottage Housing, Inc.

## Existing Ordinances and Existing Shelters that Accommodate Need

### Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with requirements of SB 2, no further action will be required to identify zones available for emergency shelters. The housing element must however, describe how the existing ordinance, policies and standards are consistent with the requirements of SB 2.



Hendley Circle Apartments – Supportive SRO Housing in Burbank  
Photo courtesy of Burbank Housing

### Existing Shelters That Accommodate the Need for Emergency Shelters

Local governments that can demonstrate, to the satisfaction of the Department, the existence of one or more emergency shelters either within the jurisdiction or pursuant to a multi-jurisdictional agreement that can accommodate the need for emergency shelters identified in the housing element may comply with the zoning requirements of SB 2 by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit. To demonstrate homeless needs can be accommodated in existing shelters, an element must at minimum list existing shelters including the total number of beds and the number vacant. The analysis should support and document the estimate of vacant beds and must consider seasonal fluctuations in the need for emergency shelters.

## Transitional and Supportive Housing

*Transitional housing* is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, including group housing or multifamily units, and may include supportive services to allow

individuals to gain necessary life skills in support of independent living. *Supportive housing* as defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260 (i.e., low income persons with mental disabilities, AIDS, substance abuse or chronic health conditions or persons whose disabilities originated before the person turned 18). Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

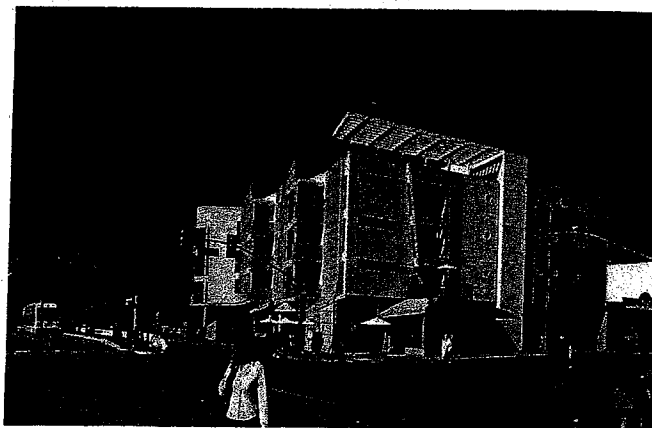
SB 2 provides that transitional and supportive housing constitute a residential use. SB 2 requires zoning to treat transitional and supportive housing as a proposed residential use and subject only to those restrictions that apply to other residential uses of the same type in the same zone. For example, if the transitional housing is a multifamily use proposed in a multifamily zone, then zoning should treat the transitional housing the same as other multifamily uses proposed in the zone.

If jurisdictions do not explicitly permit transitional and supportive housing as previously described, the element must include a program to ensure zoning treats transitional and supportive housing as a residential use, subject only to those restrictions on residential uses contained in the same type of structure.

## Housing Element Policies and Programs

Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints.

Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, and describe the jurisdiction's specific role in implementation.



Gish Apartments – Supportive Housing, San Jose, CA  
Photo courtesy of First Community Housing and Bernard Andre

Where a jurisdiction does not provide an analysis demonstrating compliance with the provisions of SB 2 through existing zoning, the element must have a program(s) to address the results of that analysis. For example, if the element does not identify an existing zone to permit emergency shelters without a conditional use permit or other discretionary action, the element must include a program to establish the appropriate zoning, unless the jurisdiction has satisfied its needs through existing emergency shelters or a multi-jurisdictional

agreement. If development and management standards do not encourage and facilitate emergency shelters or zoning does not treat transitional and supportive housing as a residential use, the element must include a program(s) to amend existing zoning or processing requirements to comply with SB 2.

Programs to address the requirements of SB 2 for emergency shelters must be implemented within one year of adoption of the housing element. Programs to address requirements for transitional and supportive housing should be implemented early in the planning period. Further, since the program for emergency shelters must be implemented within one year of adoption, the housing element should provide analysis to support and assure effective implementation of the program. For example, the analysis should examine the suitability of zones to be included in the program and whether sufficient and suitable capacity is available. The same type of analysis could evaluate development and management standards that will be considered as part of establishing or amending zoning. This analysis should demonstrate the necessary commitment to ensure zoning, permit procedures and development standards encourage and facilitate emergency shelters.

## **Timing: When SB 2 Applies**

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2008 will be required to comply with SB 2.



## **Section 2**

# **Local Approval**

***(Government Code Section 65589.5)***

## The Housing Accountability Act

To promote predictability for the development of housing affordable to lower- and moderate-income households, the Housing Accountability Act (Government Code Section 65589.5) prohibits a jurisdiction from disapproving a housing development project, including housing for farmworkers and for very low-, low-, or moderate-income households, or conditioning approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes at least one of five specific written findings based on substantial evidence in the record (Government Code Section 65589.5).

SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act. In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing (see Attachment 1: SB 2 - changes are underlined).

### Zoning Inconsistency

Pursuant to the Housing Accountability Act, a local government is prohibited from making the finding regarding zoning and general plan inconsistency (Section 65589.5(d)(5)) to disapprove a development if the jurisdiction identified the site in its general plan (e.g., housing or land-use element) as appropriate for residential use at the density proposed or failed to identify adequate sites to accommodate its share of the regional housing need for all income groups. In addition to extending these provisions to emergency shelters and transitional housing, SB 2 prohibits the use of the zoning and general plan inconsistency finding to disapprove an emergency shelter if the jurisdictions have:

- not identified a zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,
- not demonstrated the identified zone(s) include sufficient capacity to accommodate the need for emergency shelter, or
- not demonstrated the identified zone(s) can accommodate at least one emergency shelter.

This provision applies to any site identified in any element of the general plan for industrial, commercial, or multifamily residential uses. In any court action, the burden of proof is on the local jurisdiction to demonstrate its housing element satisfies the above requirements of SB 2.

# **Attachment 1**

## **Statutory Changes to Housing Element Law (*underline version*)**

## **Attachment 1**

### **Changes to State Housing Element Law Chapter 633, Statutes of 2007 (SB 2) (changes indicated in strikeouts and underlines)**

65582. As used in this article, the following definitions apply:

- (a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.
- (b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.
- (c) "Department" means the Department of Housing and Community Development.
- (d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.
- (e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.
- (f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.
- (g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, ~~and mobilehomes,~~ and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
  - (1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.
  - (2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.  
(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in

the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities identified pursuant to, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph Transitional housing and supportive housing shall be ~~(5)~~ considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(67) An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be (7) assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development.

(89) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (89) of subdivision (a).

The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (89) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision

(a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, whenever a city, county, or city and county submits a first draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.



(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, ~~where~~when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

### **Housing Accountability Act**

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California. (2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the housing need determined pursuant to this article without a thorough analysis of the economic, social, and Environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate- income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional

housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

(e) This section does not relieve the local agency (C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.

(e) Nothing in this section shall be construed to relieve the local agency from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). ThisNeither shall anything in this section also does notbe construed to relieve the local agency local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(f) This(1) Nothing in this section does notshall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development project. This. (2) Nothing in this section does notshall be construed to prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of either any of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in paragraph subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of

preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

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# **Attachment 2**

## **Definitions**

## Attachment 2

### Definitions

#### Emergency Shelters (Health and Safety Code Section 50801(e))

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

#### Transitional Housing (Health and Safety Code Section 50675.2)(h)

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

#### Supportive Housing (Health and Safety Code 50675.14(b))

Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

#### Target Population Definition per HSC 53260(d)

(d) "Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.



# **Attachment 3**

## **Helpful Links**

## **Attachment 3**

### **Helpful Links**

#### **National Alliance to End Homelessness**

<http://www.endhomelessness.org/section/tools/tenyearplan>

#### **Interagency Council on Homelessness**

<http://www.ich.gov/>

#### **Interagency Council on Homelessness, Guide to Developing Plans and Examples**

<http://www.ich.gov/slocal/index.html>

#### **U.S. Department of Health and Human Services, Homelessness Resource Center**

[http://www.nrchmi.samhsa.gov/\(X\(1\)S\(axpyp555dhn54z45qhpqvnj4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45qhpqvnj4))/Default.aspx?AspxAutoDetectCookieSupport=1)

#### **The National Coalition for the Homeless – Local Resources in California**

<http://www.nationalhomeless.org/resources/local/california.html>

#### **HCD Selected Bibliography on Homeless Issues**

<http://www.hcd.ca.gov/hpd/biblio.html>

#### **Building Blocks for Effective Housing Elements**

(links to funding resources, data, policy and research on homelessness)

[http://www.hcd.ca.gov/hpd/housing\\_element/index.html](http://www.hcd.ca.gov/hpd/housing_element/index.html)



**CITY OF AUBURN**

Community Development Department

1225 LINCOLN WAY • AUBURN, CA 95603 • PHONE (530) 823-4211 • FAX (530) 885-5508

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April 11, 2013

Holly Heinzen  
Placer County Executive Office  
175 Fulweiler Avenue  
Auburn, CA 95603

**Subject: Multi-jurisdictional Approach to Emergency Shelters**

Dear Ms. Heinzen,

On Monday, April 8, 2013, the Auburn City Council considered a code amendment to the Auburn Municipal Code which would have established standards for permitting emergency shelters for the homeless in the City of Auburn. The code amendment being considered by the City is in response to the requirements of Senate Bill 2 (SB 2), wherein jurisdictions are required to identify at least one zone district that would allow emergency shelters as a use permitted by right.

During their deliberation, the Auburn City Council expressed their interest in a provision of the California Government Code, adopted as part of SB 2, which provides that jurisdictions can satisfy some or all of their housing needs for the homeless by adopting and implementing a multijurisdictional agreement (see Gov Code §65883(d) enclosed; pages 23 and 12).

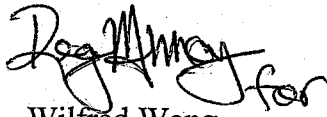
The City Council directed that the Community Development Department was to contact Placer County to determine the County's interest in collaborating with the City of Auburn to provide a homeless facility consistent with the requirements of SB 2. Please let this letter serve as the City's official request to determine the County's interest in addressing this issue in a collaborative fashion through the establishment of a multijurisdictional agreement.

I would be happy to meet with you and discuss this issue in greater detail. Please contact me at (530) 823-4211, extension 133 or [wwong@auburn.ca.gov](mailto:wwong@auburn.ca.gov) if you would like to arrange a meeting.

I have enclosed a copy of the briefing paper prepared by the California Department of Housing and Community Development (HCD), including a copy of the legislation, for your reference.

Thank you in advance for your consideration in this matter.

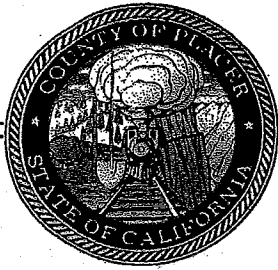
Sincerely,

A handwritten signature in black ink, appearing to read 'Reg Wong for', written over the printed name.

Wilfred Wong  
Community Development Director

enclosure

cc: Auburn City Council  
Robert Richardson – City Manager  
Michael Colantuono – City Attorney



**COUNTY OF PLACER**  
**Community Development Resource Agency**

**ATTACHMENT 5**

**ADMINISTRATION**

Michael J. Johnson, AICP  
Agency Director

May 1, 2013

Wilfred Wong  
Community Development Director  
City of Auburn  
1225 Lincoln Way  
Auburn, CA 95603

**SUBJECT: Multi-Jurisdictional Approach to Emergency Shelters**

Dear Mr. Wong:

The County is in receipt of your letter, dated April 11, 2013, regarding opportunities that may exist for the County to collaborate with the City of Auburn to provide an emergency shelter facility consistent with the requirements of Senate Bill 2. County staff has looked into this issue, and a detailed analysis is provided below.

As you are aware, Senate Bill 2, which went into effect on January 1, 2008, amended Government Code Section 65583 regarding Housing Element law. The primary elements of Senate Bill 2 require local agencies to identify at least one zoning district where emergency shelters are permitted by right (i.e., without the requirement for a Use Permit or other discretionary action). To assure the proper implementation of this amendment to State Housing Element law, Program G-3 was added to the County's Housing Element, and this amendment was adopted by the Board of Supervisors on May 12, 2009 (Attachment 1). In June 2011, the Board of Supervisors adopted an amendment to the County's Zoning Ordinance to allow Emergency Shelters with a capacity of 60 or fewer persons by right within the County's R-M (Residential Multi-Family) zoning district (Attachment 2). As a result, Placer County's Housing Element is in compliance with State law regarding the requirements of Senate Bill 2.

Wilfred Wong  
May 1, 2013  
Page Two

In your letter, you correctly state that Senate Bill 2 allows local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement (with a maximum of two adjacent communities). As set forth in Senate Bill 2, and as further codified in the State Government Code (Section 65583), should agencies opt to participate in a multi-jurisdictional agreement for the provision of an emergency shelter, the agencies are mandated to develop at least one year-round shelter within two years, and the agencies are mandated to show that adequate monies are available for both the development and ongoing operation and management of the facility.

Placer County is not currently able to commit any monies towards the development of a year-round emergency shelter facility. Should the City of Auburn desire to finance the construction and operation/management of an emergency shelter facility (within a two-year period as required by State law), the County would be open to continuing discussions regarding the possibility of entering a multi-jurisdictional agreement for the development and operation of an emergency shelter.

Should you have any questions about the information set forth in this letter, please do not hesitate to call me directly at 530-745-3099.

Sincerely,



MICHAEL J. JOHNSON, AICP  
Agency Director

Attachments

- Attachment 1: Program G-3 (Zoning for Emergency Shelters)
- Attachment 2: Placer County Planning and Zoning Land Use and Permit Table

cc: David Boesch, County Executive Officer  
Holly Heinzen, Chief Assistant County Executive Officer  
Loren Clark, Assistant Community Development Resource Agency Director  
Paul Thompson, Deputy Director - Planning Services



same zone. The County shall identify sites for use as transitional and permanent supportive housing to address the unmet need for these services. Appropriate sites shall have the following characteristics:

- Close to public services and facilities;
- Zoning classifications that allow the siting of transitional housing and permanent supportive housing, and zoning regulations that do not impede their development, the use of the facility, or the conversion of an existing structure for such use; and
- Development standards, such as parking requirements, fire regulations, and design standards, that do not impede the efficient use of the site.

**Responsible Agency/Department:** Planning Department,  
Redevelopment Agency, Health and Human Services

**Timeframe:** FY 2009/2010

**Funding:** General Fund/other

#### **Program G-3 ZONING FOR EMERGENCY SHELTERS**

The County shall amend the Zoning Ordinance to include emergency shelters as an allowed land use in the following zoning districts with the indicated permit requirements:

- Residential Multi-family (RM) - Zoning Clearance
- Neighborhood Commercial (CI) - Minor Use Permit
- General Commercial (C2) - Conditional Use Permit
- Commercial Planned Development (CPD) - Conditional Use Permit
- Highway Service (HS) - Minor Use Permit
- Resort (RES) - Minor Use Permit

Emergency shelters proposed in these districts should follow the prescribed development standards. These standards shall not pose a constraint to the development of these types of facilities.

**Responsible Agency/Department:** Planning Department

**Timeframe:** December 2008

**Funding:** General Fund

# CHAPTER 17: PLANNING AND ZONING

## Land Use and Permit Tables

17.06.050

LAND USE TYPES	RESIDENTIAL				COMMERCIAL								INDUSTRIAL				AGRICULTURAL, RESOURCE, OPEN SPACE						
	RS	RM	RA	RF	C1	C2	C3	CPD	HS	OP	RES	AP	BP	IN	INP	AE	F	FOR	O	TPZ	W		
Recreation, Education and Public Assembly Uses																							
Campgrounds (Section 17.56.080)				MUP					MUP		MUP							MUP	MUP	MUP			
Camping, incidental (Section 17.56.080)				A							A							A	A	A			
Community Centers	MUP	MUP	MUP	MUP	C	C	C	CUP	C	MUP	C						MUP						
Golf driving ranges					MUP	MUP	MUP		MUP		MUP			MUP	MUP								
Houses of Worship (Ord. 5339-B)	MUP	MUP	MUP	MUP	C	C	C	CUP	C	MUP	C		MUP	MUP	MUP		MUP						
Libraries and museums		MUP	MUP	MUP	MUP	C	C	CUP	C	MUP	C						MUP						
Membership organization facilities		MUP	MUP		MUP	MUP		CUP	MUP		MUP						MUP						
Outdoor commercial recreation					MUP	MUP	CUP	MUP		MUP													
Parks, playgrounds, golf courses	MUP	MUP	MUP	MUP	MUP	MUP	MUP	CUP	MUP	MUP	MUP	MUP	CUP	MUP	MUP		MUP	MUP	CUP			MUP	
Recreation and fitness centers					MUP	C	C	CUP	C	MUP	MUP		MUP	MUP	MUP								
Rural recreation				MUP							MUP					MUP	MUP	MUP	MUP	MUP			
Schools - College and university						CUP	CUP	CUP		CUP			CUP	CUP	CUP		CUP						
Schools - Elementary	MUP	MUP	MUP	MUP	MUP	MUP	MUP	CUP		MUP	MUP		MUP				MUP						
Schools - Secondary	MUP	MUP	MUP	MUP	MUP	MUP	MUP	CUP		MUP	MUP		MUP				MUP						
Schools - Specialized education and training		MUP	MUP		C	C	MUP	CUP	C	C			MUP	MUP	MUP								
Shooting ranges, commercial (Ord. 5459-B)											MUP			MUP		MUP	MUP	MUP	MUP	MUP			
Ski lift facilities and ski runs	CUP	CUP		CUP		CUP		CUP			CUP							CUP	CUP				
Sport facilities and outdoor public assembly					CUP	CUP	CUP	CUP	CUP		CUP			CUP			CUP		CUP			CUP	
Temporary events (Section 17.56.300)	*	*	*	*	*	*	*	*	*	*	*	*	*	MUP*	*	*	*	*	*	*	*	*	
Theaters and meeting halls					CUP	CUP		CUP					CUP										
Residential Uses																							
Caretaker and employee housing (Section 17.56.090)					C	C	MUP	C	C	C	MUP	C	MUP	C	C	MUP	MUP	MUP			MUP		
Emergency Shelter, 60 or fewer clients (Section 17.56.295)		C			MUP	CUP		CUP	MUP		MUP												
Emergency Shelter, 61 or more clients (Section 17.56.295)		MUP			MUP	CUP		CUP	MUP		MUP												
Farm labor housing (Section 17.56.090)			MUP														MUP	MUP					
Home occupations (Section 17.56.120)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				C		
Mobile home parks (Section 17.56.140)		CUP			CUP	CUP																	
Mobile homes (Section 17.56.150)	C	C	C	C							C						C	C					
Multifamily dwellings, 20 or fewer units		C			MUP	CUP		CUP	MUP		MUP												

BP zoning chart indicates a MUP is required for Temporary events in this district. MT zone district repealed by Ord. 5375-B.

Key To Permit Requirements	
Allowed use, zoning compliance required (Section 17.06.050)	A
Zoning Clearance required (Section 17.06.050)	C
Administrative Review Permit required (Section 17.06.050)	ARP
Minor Use Permit required (Section 17.06.050)	MUP
Conditional Use Permit required (Section 17.06.050)	CUP
Permit requirements set by Article 17.56	*
Use not allowed	





## CITY OF AUBURN

Community Development Department

1225 LINCOLN WAY • AUBURN, CA 95603 • PHONE (530) 823-4211 • FAX (530) 885-5508

**TO:** Placer County Transportation and Planning Agency (PCTPA)

**DATE:** April 16, 2013

**FROM:** Lance E. Lowe, AICP, Associate Planner  
City of Auburn Community Development Department

**PROJECT:** Emergency Shelters Consistency Analysis (City of Auburn)

**REQUEST:** For your review, please find a brief project description for the above referenced consistency analysis and a check in the amount of \$35.00 for PCTPA review. For your convenience, City of Auburn Community Development Department staff provided a preliminary analysis of the City's request and has requested PCTPA staff clarification based on our preliminary analysis.

**BACKGROUND:** SB 2 amended California Government Code Section 65583 requiring that jurisdictions plan for and accommodate emergency shelters in their Housing Element of the General Plan. Specifically, jurisdictions must identify at least one zone district that can accommodate at least one year-round emergency shelter; and, emergency shelters must be allowed as a permitted use (i.e. jurisdictions cannot require a use permit or other discretionary permit). An emergency shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

In consideration of the City's Emergency Shelters Ordinance, the City Council directed staff to consider other zone districts and sites for Emergency Shelters. Specifically, the City Council questioned whether or not the Airport Industrial property at the Airport would be a compatible land use for Emergency Shelters.

**PROJECT DESCRIPTION:** The City of Auburn is requesting a compatibility analysis from the Placer County Land Use Commission staff for an Emergency Shelter (An Emergency Shelter is generally defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person) generally described with the following parameters:

- 3,000 square feet to 6,000 square feet building;
- 30 to 60 totals beds for families and single adults;
- 3 to 5 employees on site;

### Placer County Airport Land Use Compatibility Plan:

Compatibility Guidelines for Specific Land Uses (*Appendix D*) does not specifically list Emergency Shelters within the Land Use Table. However, Community Development Department staff notes that if Emergency Shelters are categorized as a residential land use for compatibility purposes that Residential Land Uses (e.g. Low-Density Residential, Medium-Density Residential, High-Density Residential and Mobile Home Parks) are categorically labeled as "Generally incompatible" land uses in the City's Airport Industrial Design Control (AI-DC) Zoned property located within Compatibility Zones A, B1, B2 and C1.

Staff also notes that under Commercial Land Uses, Hotels and Motels, which are somewhat similar to Emergency Shelters, are incompatible land uses in Compatibility Zones A, B1 and B2, but may be compatible in compatibility zone C1 provided the site/use meets the compatibility standards with the zone as follows:

1. **Noise** – The C1 Zone is located in the 55 CNEL noise contour area. This is an acceptable range according to the noise provisions of the PCALUCP for residential and commercial uses such as an Emergency Shelter.
2. **Safety** – The C1 Compatibility Zone allows a maximum of 75 persons per acre and 150 people per any individual acre (i.e. a maximum of triple the average intensity criterion set in Table 2A). It appears that an Emergency Shelter would be a compatible use provided the use complied with the persons per acreage limitations.
3. **Height** – Within Compatibility Zone C1 – Generally, there is no concern with regard to any object up to 70 feet tall unless it is located on high ground or it is a solitary object (e.g. an antenna) more than 35 feet taller than other nearby objects.
4. **Over flights** – An Emergency Project in the C1 Zone will be consistent pending recordation of a Deed Notice.

Based upon the above preliminary analysis, Community Development Department staff is requesting that the Placer County Land Use Commission staff supplement their compatibility analysis by addressing the following compatibility issues:

1. Are Community Development Department's preliminary analysis and assumptions correct that Emergency Shelters, if considered a Residential Land Use, would be an incompatible use in the A, B1, B2 and C1 and if considered a Commercial Use consistent with a Hotels & Motels would be an incompatible land use in the A, B1, B2, but may be compatible in Compatibility Zone C1 provided the above standards for Noise, Safety, Height and Over Flights are met?
2. Considering that Emergency Shelters are not listed on Appendix D, would an Emergency Shelter project be required to go before the Land Use Commission for a consistency determination or would the Land Use Commission staff be authorized to render such a determination administratively provided the project met the above standards for Noise, Safety, Height and Over Flights?

3. Considering that Emergency Shelters would accommodate families and other homeless persons (i.e. men, women and children), would this type of use be categorically incompatible based upon the clientele?

Please review and let me know if you have any comments or requirements relative to the proposed consistency request within the City of Auburn.

If you have any questions or need further clarification regarding this request, please direct your comments or questions to me directly at the City of Auburn Community Development Department, 1225 Lincoln Way, Auburn, CA 95603. I may be contacted at (530) 823-4211 ext. 103, or by e-mail at [llowe@auburn.ca.gov](mailto:llowe@auburn.ca.gov).

**PLACER COUNTY  
AIRPORT LAND USE COMMISSION**

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**REQUEST FOR STAFF REVIEW**

**PLACER COUNTY AIRPORT LAND  
USE COMMISSION (ALUC)**

299 Nevada Street  
Auburn, CA 95603  
Phone: 530.823.4030  
Fax: 530.823.4036

Date Received: April 16, 2013

Received From: City of Auburn  
Community Development Department

Airport Name: Auburn Municipal Airport

ALUC Case No.: 2012/2013 -- 14

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**Project Title: Emergency Shelters City of Auburn**

**Project Description:**

The City of Auburn is currently developing an Emergency Shelters Ordinance that will require the City to identify a zoning district(s) where at least one year-round emergency shelter(s) will be allowed as a permitted use without the requirement of discretionary permit(s). The emergency shelter(s) will only be subject to those development and management standards that apply within the permitted zone; however, when a shelter(s) is considered within other zoning districts they may be subject to other written objective standards as deemed necessary by the City. The Emergency Shelter Ordinance is required to bring the City's Zoning Ordinance into compliance with recent updates to California Government Code Section 65583 pursuant to Senate Bill 2. Senate Bill 2 is intended to ensure that local jurisdictions increase housing opportunities for the homeless. The City's proposed Emergency Shelters Ordinance has not been submitted at this time for ALUC review.

The City of Auburn defines an emergency shelter as housing with minimal supportive services for homeless individuals. Occupancy is limited to six months or less. The range of development parameters assumed is as follows:

- 3,000 to 6,000 square feet building size.
- 30 to 60 beds total for families and single adults.
- 3 to 5 on-site employees.

Among zoning districts and locations under evaluation, the City of Auburn is specifically considering city owned Airport Industrial park property at the Auburn Municipal Airport for location for an Emergency Shelter(s). Individual sites at the Airport Industrial park have not been identified at this time for ALUC review.

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Application for:    ☐ Rezone    ☐ General/Community Plan Amendment    ☒ Other

**Background**

On April 16, 2013, PCTPA received a request from the City of Auburn for a concept level airport/land use compatibility analysis for Emergency Shelters. The City provided a compatibility analysis for ALUC consideration (incorporated by reference). The City's compatibility analysis identified four issues for ALUC consideration:

1

- Whether emergency shelters would be considered a residential land use.
- Whether emergency shelters would be considered a commercial land use consistent with hotels and motels.
- Whether emergency shelters would be a categorically incompatible use based upon the clientele accommodated at the shelter, i.e. individual homeless persons and families (men, women and children).
- Whether an emergency shelter(s) project would be required to go before the ALUC for a consistency determination or whether the ALUC staff would be authorized to render such a determination administratively.

The evaluation below addresses the issues identified by the City of Auburn.

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### ALUC Staff Comments

#### 1. Land Use.

The Placer County Airport Land Use Compatibility Plan (ALUCP) illustrates that Auburn Municipal Airport has four Compatibility Zones lying over the site (Figure 3A and Compatibility Zone Boundary descriptions – pages 3-2):

- Compatibility Zone A - Runway Protection Zone - includes airport runways and immediately adjacent areas within airfield building restriction lines as depicted on the Airport Layout Plan. Uses are restricted to aeronautical functions in accordance with Federal Aviation Administration (FAA) standards. This zone is considered an area of high safety risk and is also subject to high noise levels.
- Compatibility Zone B1 - Approach/Departure Zone - encompasses portions of the runway approach/departure areas that are adjacent to and beyond the ends of the runway protection zone (Compatibility Zone A). Noise levels and risks are both high in this zone. Noise produced by individual aircraft operations is often high enough to disrupt many land use activities. Risk levels are high because of the proximity to the runway ends.
- Compatibility Zone B2 - Adjacent to Runway - This zone contains the areas along each side of the runway where noise is more of a factor than risk. Generally risk is also a factor, but less so than in Compatibility Zone B1. The zone width is set to encompass most of the 60 dB CNEL<sup>1</sup> contour.
- Compatibility Zone C1 - The Extended Approach/Departure Corridor - covers locations beneath the predominately-used south-side traffic pattern. The zone is affected by moderate degrees of both noise and risk.

Primary Compatibility Criteria (Table 2A) summarizes maximum density/use intensity, prohibited uses, and other development conditions. Appendix D of the ALUCP provides Compatibility Guidelines for Specific Land Uses. Emergency shelters are not specifically identified in Table 2A or in Appendix D.

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<sup>1</sup> A Community Noise Equivalent Level (CNEL) noise contour is a measure adopted by the State of California for evaluating airport noise impacts.

*Whether emergency shelters would be considered a residential land use for purposes of the ALUCP:*

- Residential uses are defined as providing living accommodations. An emergency shelter is comparable in certain respects to a residential use, i.e. it provides a place to live. Unfortunately, there is no one definition of living accommodation and so it is given its everyday meaning. An example of what is clearly living accommodation includes houses and apartments. By contrast it does not cover accommodation in a hotel/motel or other forms of board and lodging. Generally, living accommodation is something that gives an individual the necessary facilities to live domestic life independently without reliance on others to supply basic needs. Also, the length of stay in a residence while varied is anywhere from several months to many years.

***Recommendation: An emergency shelter would generally not meet the definition of being residential for purposes of the ALUCP.***

*Assuming an emergency shelter is categorized as a residential land use:*

- Residential uses would be considered an incompatible use in ALUCP Compatibility Zones A, B1, B2 and C1 due to noise and safety considerations. The ALUCP provides an exception for rural estate identifying this residential use as potentially compatible in Zones B1 and B2 and compatible in C1, and rural residential compatible only in C1.

*Whether emergency shelters would be considered a commercial land use consistent with hotels and motels for purposes of the ALUCP:*

- Hotels and motels are generally considered establishments that provide paid temporary lodging with varying amenities for its guests. The City defines an emergency shelter(s) length of stay as limited to occupancy of six months or less, which would generally be consistent within the limits of the length of stay experienced at hotels and motels. An emergency shelter would generally meet the definition of being a commercial land use consistent with hotels and motels for purposes of the ALUCP.

***Recommendation: As the intent of a hotel and motel is to provide temporary lodging, the length of stay proposed for an emergency shelter(s) should be consistent with City laws regulating length of stay for a hotel and motel.***

*Assuming an emergency shelter is categorized as a commercial land use consistent with hotels and motels:*

- Commercial land use consistent with hotels and motels would be considered a potentially compatible use in ALUCP Compatibility Zone C1 with restrictions, and incompatible in all other zones.

*Whether emergency shelters would be considered an institutional land use consistent with college dormitories and group residential care facilities, etc. for purposes of the ALUCP:*

- Generally college dormitories and group residential care facilities, etc. that house more than six individuals are considered a use other than residential, i.e., an institutional use.

***Recommendation: An emergency shelter(s) could potentially be included in the institutional land use category for purposes of the ALUCP.***

*Assuming emergency shelters are categorized as an institutional land use consistent with college dormitories and group residential care facilities, etc.:*

- Institutional land uses consistent with college dormitories and residential care facilities, etc. would generally be considered an incompatible use in ALUCP Compatibility Zones A, B1, B2 and C1.

*Whether there are special conditions that could apply to emergency shelters for purposes of the ALUCP:*

- The ALUCP recognizes that special conditions are possible where a normally incompatible use can be considered compatible subject to specific findings that the project is a unique circumstance, the use will not create a safety hazard to people on the ground or aircraft in flight, nor result in excessive noise exposure for the proposed use. In this regard, ALUC approval would only apply to the individual project; and contain conditions that ensure that no other development other than the exact project referred to and considered by the ALUC be established. The burden for demonstrating that special conditions could apply to a particular project, such as emergency shelter, would rest with the project proponent and/or the referring entity, the City of Auburn.

*Whether emergency shelters would be a categorically incompatible use based upon the clientele accommodated at the shelter, i.e. individual homeless persons and families (men, women and children).*

- Generally, land uses of particular concerns in the ALUCP are those in which the occupants have reduced effective mobility or are unable to respond to emergency situations.

***Recommendation: Land uses in which the majority of occupants are children, the elderly and/or disabled are prohibited within all ALUCP Compatibility Zones except Zone D.***

*Whether an emergency shelter(s) project would be required to go before the ALUC for a consistency determination or would the ALUC staff be authorized to render such a determination administratively.*

- A proposal requiring discretionary review triggers an ALUCP consistency determination by the ALUC. The adoption or approval of a zoning ordinance, which affects property within an airport influence area and involves airport impacts (noise, safety, airspace protection and overflights) are actions which always require review of the ALUC. The proposed Emergency Shelter Ordinance will amend the City's Zoning Ordinance. The proposed Emergency Shelters Ordinance has not been provided for ALUC review at this time. Assuming the City identifies an emergency shelter(s) in a zoning district(s) within the Auburn Municipal Airport's influence area, the ALUCP requires that an ALUC consistency determination be completed on the proposed Ordinance before City approval.

**2. Noise.** The ALUCP illustrates that Auburn Municipal Airport has four Compatibility Zones lying over the site. Nearly all of the Compatibility Zones are located in Auburn Municipal Airport's General Traffic Pattern Envelope/Flight Direction where approximately 80 percent of aircraft overflights are estimated to occur. Depending upon the specific Compatibility Zone, emergency shelters may be subject to airport and aircraft noise:

- Compatibility Zone A - Runway Protection Zone – Zone A falls almost entirely within the 65 db CNEL, with the runway ends falling within the 60 db CNEL. Unacceptable noise intrusion will exist within Zone A for a majority of land uses.
- Compatibility Zone B1 - Approach/Departure Zone – the western approach falls primarily within 60 db CNEL, while remaining areas within Zone B1 fall within 55 db CNEL. Noise is a factor to be considered within the 55 db and 60 db CNEL. Land uses will experience slight interference to both indoor and outdoor activities.
- Compatibility Zone B2 - Adjacent to Runway – the north side of Auburn Municipal Airport falls within 60 db and 65 db CNEL, while the immediate south side of the airport falls within 60 db CNEL with noise decreasing further out to 55 db CNEL. Noise is a factor to be considered within these Zone B2 varying from slight to moderate interference to both indoor and outdoor activities.
- Compatibility Zone C1 - The Extended Approach/Departure Corridor – Zone C1 lies primarily outside the 55 db CNEL. Any activities associated with a land use outside the 55 db CNEL can be carried out with essentially no interference from noise exposure.

***Recommendation: No emergency shelter should be located in any compatibility zone but Zone C1. Measures to address noise concerns would need to be addressed on an individual project basis.***

**3. Safety.** The ALUCP illustrates that Auburn Municipal Airport has four Compatibility Zones lying over the site. Nearly all of the Compatibility Zones are located in Auburn Municipal Airport's General Traffic Pattern Envelope/Flight Direction where approximately 80 percent of aircraft overflights are estimated to occur. Intensities (people per acre) are limited by Compatibility Zone are as follows:

- Compatibility Zone A - Runway Protection Zone - average intensity of 10 people per acre. Assemblages of persons are prohibited in Zone A. As proposed an emergency shelter(s) would be inconsistent with Zone A standards for average use intensity.
- Compatibility Zone B1 - Approach/Departure Zone - average intensity of 25 people per acre and a maximum intensity per single acre of 50 people. At 30 to 60 beds, the proposed emergency shelter(s) may be potentially inconsistent with Zone B1 for average use intensity.
- Compatibility Zone B2 - Adjacent to Runway - average intensity of 50 people per acre and a maximum intensity per single acre of 100 people. As proposed an emergency shelter(s) would be consistent with Zone B2 standards for average use intensity.
- Compatibility Zone C1 - The Extended Approach/Departure Corridor - average intensity of 75 people per acre and a maximum intensity per single acre of 150 people. As proposed an emergency shelter(s) would be consistent with Zone C1 standards for average use intensity.

***Recommendation: An emergency shelter would be consistent with safety provisions provided the standards for average use intensity are not exceeded for the specific Zone.***

**4. Airspace Protection.** The ALUCP illustrates that Auburn Municipal Airport has four Compatibility Zones lying over the site. Nearly all of the Compatibility Zones are located in Auburn Municipal Airport's General Traffic Pattern Envelope/Flight Direction where approximately 80 percent of aircraft overflights are estimated to occur. While no development plans were provided to illustrate the height of the proposed emergency shelter it is assumed that



the building height would likely not trigger an airspace review. Development conditions as they relate to airspace protection by Compatibility Zone are as follows:

- Compatibility Zone A - Runway Protection Zone – All structures are prohibited in Zone A except ones associated by aeronautical function.
- Compatibility Zone B1 - Approach/Departure Zone – Commercial land use consistent with hotels and motels, including emergency shelters, would be prohibited in Zone B1. Any structure located in Zone B1 would need to be located the maximum distance from the runway centerline. An airspace review would be required for any building over 35 feet tall.
- Compatibility Zone B2 - Adjacent to Runway – For Zone B2, the same conditions would apply as described in Zone B1.
- Compatibility Zone C1 - The Extended Approach/Departure Corridor – Commercial land use consistent with hotels and motels, including emergency shelters, would be allowed in Zone C1. An airspace review would be required for any building over 70 feet tall.

***Recommendation: An emergency shelter would be consistent with airspace protection provisions provided no structure exceeds the height limitations identified for the specific Zone.***

**5. Overflights.** The ALUCP illustrates that Auburn Municipal Airport has four Compatibility Zones lying over the site. Nearly all of the Compatibility Zones are located in Auburn Municipal Airport's General Traffic Pattern Envelope/Flight Direction where approximately 80 percent of aircraft overflights are estimated to occur. Overflight compatibility concerns encompass a combination of noise and safety issues. Development conditions as they relate to overflight by Compatibility Zone are as follows:

- Compatibility Zone A - Runway Protection Zone – An aviation easement dedication is required for land uses within Zone A.
- Compatibility Zone B1 - Approach/Departure Zone – An aviation easement dedication is required for land uses within Zone B1.
- Compatibility Zone B2 - Adjacent to Runway – An aviation easement dedication is required for land uses within Zone B2.
- Compatibility Zone C1 - The Extended Approach/Departure Corridor – A deed notice is required as a for land uses within Zone C1.

***Recommendation: The ALUC staff recommends that anyone intending to offer land for sale or lease within an airport's influence area is to disclose this fact. California's Business and Professions Code (Section 11010) and Civil Code (Sections 1102.6, 1103.4, and 1353) specify required disclosure for certain actions. See [www.leginfo.ca.gov/calaw](http://www.leginfo.ca.gov/calaw) (Find California Law).***

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**Applicable ALUC Plan:** Placer County Airport Land Use Compatibility Plan – October 25, 2000

**Applicable ALUC Policy:**    ☒ Noise ☒ Safety ☒ Airspace Protection ☒ Overflight

☐    Compatible

☒    Compatible subject to Conditions (see ALUC staff comments)

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6

**PLACER COUNTY  
AIRPORT LAND USE COMMISSION**

---

- [X] Incompatible because of –**  
**[ ] Safety**  
**[ ] Noise**  
**[ ] Height**  
**[ ] Density/Intensity**

**Reviewed by:**  
David Melko, Sr. Planner -- TEL: 530.823.4090

**Date:**  
April 29, 2013

**Copies:** City of Auburn, Will Wong  
City of Auburn, Lance E. Lowe  
County of Placer, Gerry Haas



## CITY OF AUBURN

Community Development Department

1225 LINCOLN WAY • AUBURN, CA 95603 • PHONE (530) 823-4211 • FAX (530) 885-5508

April 17, 2013

Old Town Business Association – Dave Johnson  
 Auburn Airport Business Park Association – Rich Anderson  
 Auburn Chamber of Commerce – Bruce Cosgrove  
 Downtown Business Association – Jim Brill  
 Highway 49 Business Association – Jack Remington  
 Distribution via Email

### **Subject: Upcoming City Council Meeting re: Emergency Shelters for the Homeless**

On Monday, April 8, 2013, the Auburn City Council considered a code amendment to established standards for permitting emergency shelters for the homeless in Auburn's Industrial zone district (M-2). The City is processing the code amendment in response to State requirements (Senate Bill 2; SB 2), wherein jurisdictions are required to identify at least one zone district where emergency shelters are a use permitted by right.

During their deliberation, the Auburn City Council expressed their interest in a provision of the California Government Code, adopted as part of SB 2, which provides that jurisdictions can satisfy some or all of their housing needs for the homeless by adopting and implementing a multijurisdictional agreement (see Gov Code §65883(d) enclosed). The City Council directed that the Community Development Department was to contact Placer County to determine the County's interest in collaborating with the City of Auburn to provide a homeless facility consistent with the requirements of SB 2.

The City Council also directed staff to provide additional analysis regarding the City's zone districts and potential issues associated with permitting homeless shelters in each of the districts. The analysis will include all of the Commercial and Industrial zone districts, and will exclude the Single-family Residential and Open Space districts.

The Auburn City Council is scheduled to consider the zoning issue for homeless shelters, including the new information referenced above, at their regularly scheduled meeting of Monday, May 13, 2013 at 6:00 p.m. in the evening.

If you have any questions or comments regarding this issue, please contact me at (530) 823-4211, extension 140; or, via email at [rmurray@auburn.ca.gov](mailto:rmurray@auburn.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Reg Murray". The signature is stylized with a large "R" and "M".

Reg Murray  
Senior Planner

cc: Auburn City Council  
City Manager



## CITY OF AUBURN

Community Development Department

1225 LINCOLN WAY • AUBURN, CA 95603 • PHONE (530) 823-4211 • FAX (530) 885-5508

April 17, 2013

Leslie Brewer – PCOH  
 Suzi Defosset – The Gathering Inn  
 Heather Ireland  
 Liisa Stark – UPRR  
 Distribution via Email

**Subject: Upcoming City Council Meeting re: Emergency Shelters for the Homeless**

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Sincerely,

Reg Murray  
 Senior Planner

cc: Auburn City Council  
 City Manager

**EMERGENCY HOMELESS SHELTER  
ZONE DISTRICT REVIEW**

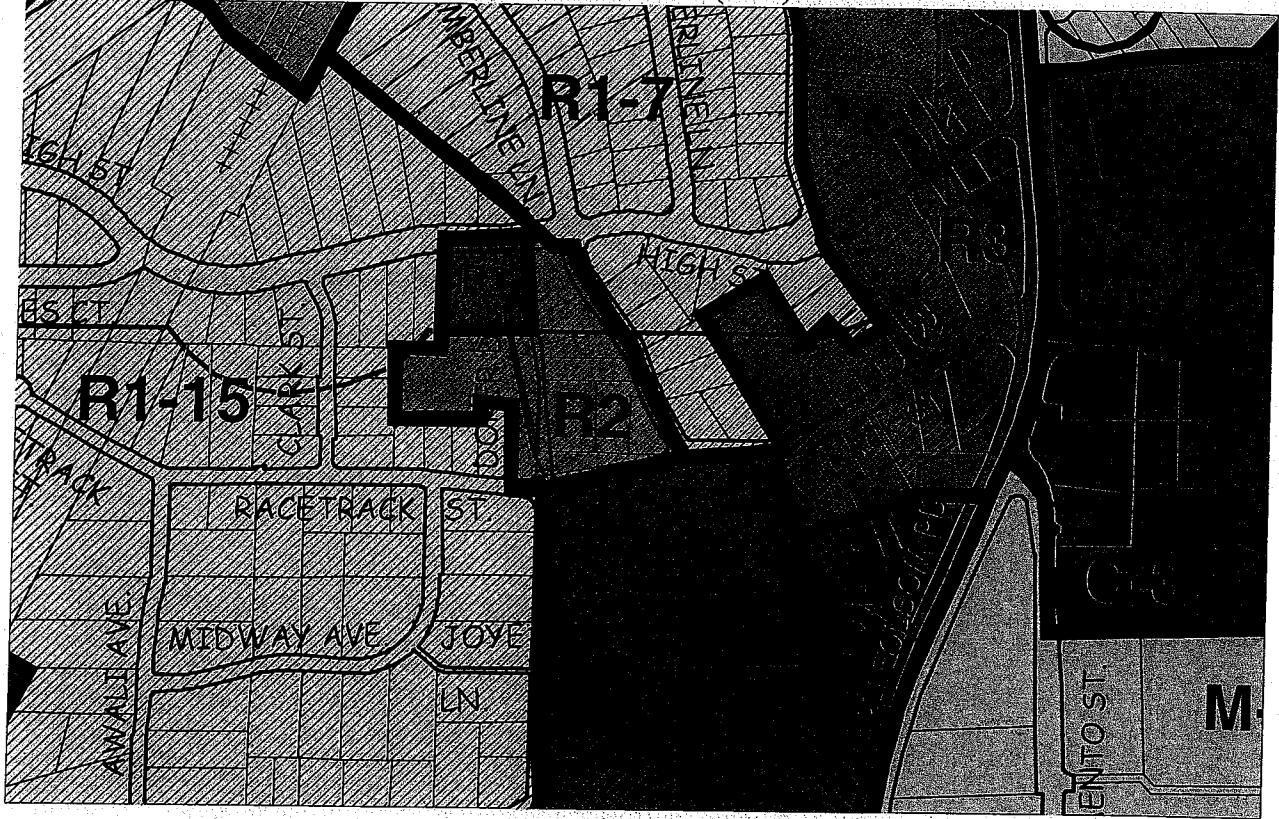
**TWO-FAMILY RESIDENTIAL (R-2) DISTRICT**

The Two-Family Residential district has seven (7) locations throughout Auburn. Provided below are the factors associated with each of the sites:

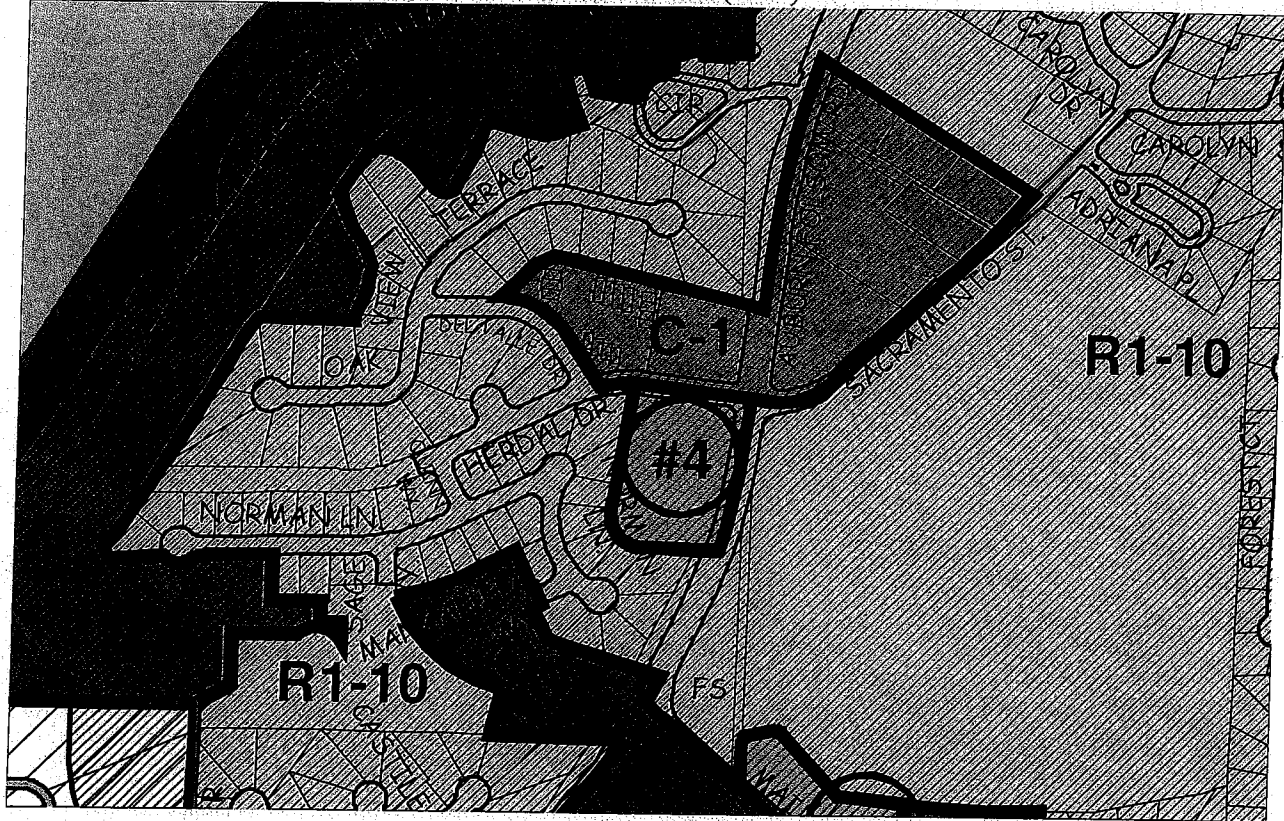
1. All Sites located adjacent to the Single-Family Residential (R-1) zone district.
2. The 300' separation standard from the R-1 zone renders Sites 1, 2, 4, 5, and 6 unusable.
3. Sites 1, 2, and 6 are located on existing Auburn transit routes.
4. Site 1 – Auburn Ravine Road, adjacent to Ashford Park.
  - a. Three total parcels; two are vacant.
  - b. Located adjacent to Ashford Park.
5. Site 2 – Northeast of Auburn Ravine Road and Church Road.
  - a. Single lot; site developed with existing senior apartment project.
6. Site 3 – South and West of Chamberlain Avenue; East of Davis Lane.
  - a. Includes ±44 smaller residential lots (largest lot is only half an acre)
  - b. Lots are not of sufficient size for a shelter.
  - c. Near multi-modal station.
7. Site 4 – South of Park Street; north of Timberline Lane.
  - a. Includes multiple lots
  - b. Lots not have access to a public way; access must come through another property.
8. Site 5 - Southwest corner of High Street & Timberline Lane.
  - a. Area includes multiple lots
  - b. All lots developed with single-family dwellings or apartments.
9. Site 6 – Southwest corner Auburn-Folsom Road & Herdal Drive.
  - a. Site is a Mixed Use Zone #4 - R-2 and Neighborhood Commercial (C-2).
  - b. Developed with an existing three-building commercial/retail project.
10. Site 7 – Parcel 2 of Plan Area 1 of the Baltimore Ravine Specific Plan (BRSP)
  - a. BRSP is undeveloped; no time table for development; site currently inaccessible.
11. The Two-Family Residential (R-2) zone district does not provide a sufficient number of adequate sites and would not be consistent with the requirements of SB 2.



**SITE 5 – TWO-FAMILY RESIDENTIAL (R-2)**



**SITE 6 – TWO-FAMILY RESIDENTIAL (R-2)**





**EMERGENCY HOMELESS SHELTER  
ZONE DISTRICT REVIEW****MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) DISTRICT**

The Medium Density Multiple-Family Residential district has numerous locations throughout Auburn. Provided below are the factors associated with the R-3 zone:

1. Most R-3 zoned areas are located near the core area of Downtown and Old Town
2. Most R-3 zoned areas in the core include a significant number of single-family residences.
3. The outlying R-3 zoned areas are typically characterized with larger apartment and condominium developments (e.g. Palm Terrace Apartments; Auburn Woods Condos).
4. Most R-3 zoned areas on or near existing Auburn transit routes.
5. Core R-3 zoned areas located nearer to services.
6. Majority of R-3 zoned areas already developed.
7. Outlying R-3 zoned areas typically adjacent to R-1 zoned areas.
8. Areas adjacent to the R-1 zones will be unusable due to the 300' separation standard.
9. Available R-3 areas excluding the 300' separation:
  - a. Nevada Street; west of the movie theater
  - b. Auburn Ravine Road; north end of Wall Street
  - c. Downtown R-3 area
  - d. R-3 area between Placer High School and County Fairgrounds
  - e. Oldtown R-3 area north of Sacramento Street
10. One of larger zone districts by area (excluding R-1 and OSC zones).
11. The Medium Density Multiple-Family (R-3) zone district provides a sufficient number of adequate sites with minimal conflict from the R-1 zone, and therefore, could meet the requirements of SB 2.



**EMERGENCY HOMELESS SHELTER  
ZONE DISTRICT REVIEW**

**NEIGHBORHOOD COMMERCIAL (C-1) DISTRICT**

The Neighborhood Commercial (C-1) zone district has several locations throughout Auburn. Provided below are the factors associated with the C-1 zone:

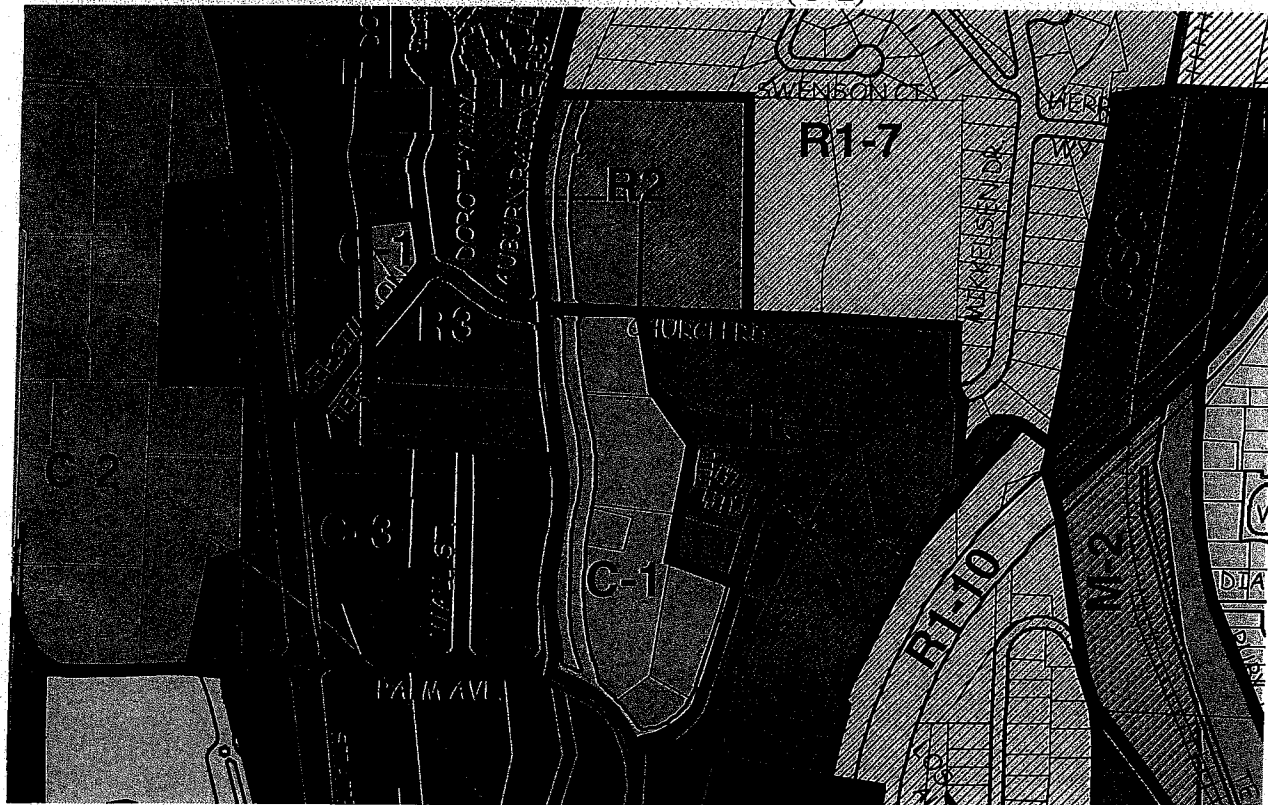
1. Site 1 – Multiple sites on Mt. Vernon Road, Nevada Street, and Blocker Drive
  - a. Includes one lot on Mt. Vernon, one lot east of Nevada Street, Mixed-Use Zone #8 (C-1/M-1), and Mixed-Use Zone #2 (C-1/M-L) on Blocker Drive.
  - b. Mt. Vernon lot developed with an existing single-family residence.
  - c. Nevada Street lot (East side) is developed as part of Eisley's nursery.
  - d. Mixed-Use Zone #8:
    - i. Largely developed with mix of offices, retail, restaurants, automotive services, storage, and a few residential units.
    - ii. Located near multi-modal station.
    - iii. The 300' separation standard from the Single-family Residential (R-1) zone restricts the northern portion of the area.
  - e. Mixed-Use Zone #2 (Blocker Drive site):
    - i. Developed with the Creekside Center office park.
    - ii. Located north of the Hidden Creek subdivision.
    - iii. Close to the multi-modal station.
    - iv. One existing building and one potential building pad would be eliminated from consideration when applying the 300' separation to properties in the Single-family Residential (R-1) zone.
2. Site 2 – Two areas near Auburn Ravine and Palm Avenue.
  - a. Small area on Dorothy Way includes small offices.
  - b. Larger area northeast corner Auburn Ravine and Palm includes mix of uses, including offices, retail, apartments, and one vacant lot.
3. Site 3 – Located on west side of Old Town next to City parking lot.
  - a. Single lot with an existing single-family residence.
  - b. Adjacent to Single-family Residential (R-1) zone.
  - c. The 300' separation standard from the R-1 zone renders this lot unusable.
4. Site 4 – Includes the C-1 zone and Mixed-Use Zone #4 at the Auburn Folsom/Sacramento Street/Herdal Drive intersection plus Mixed-Use Zone #5 on Maidu Drive & Shirland Tract.
  - a. Area includes a mix of retail commercial and office.
  - b. Adjacent to properties in the R-1 zone.
  - c. The 300' separation standard from the R-1 zone renders these sites unusable.
  - d. Mixed Use Zone #4 is C-2/R-2; developed with existing commercial/retail project.
  - e. Mixed Use Zone #5 is C-2/R-3; developed with existing office project.

5. Site 5 – Multiple parcels near Indian Hill/Auburn Folsom, including Mixed-Use Zone #3.
  - a. Multiple lots too small for a shelter.
  - b. All properties adjacent to R-1 zone.
  - c. The 300' separation standard from the R-1 zone renders all C-1 zone lots unusable and limits most of Mixed Use Zone #3.
6. The Neighborhood Commercial (C-1) zone district provides a sufficient number of adequate sites with minimal conflict from the R-1 zone, and therefore, could meet the requirements of SB 2.

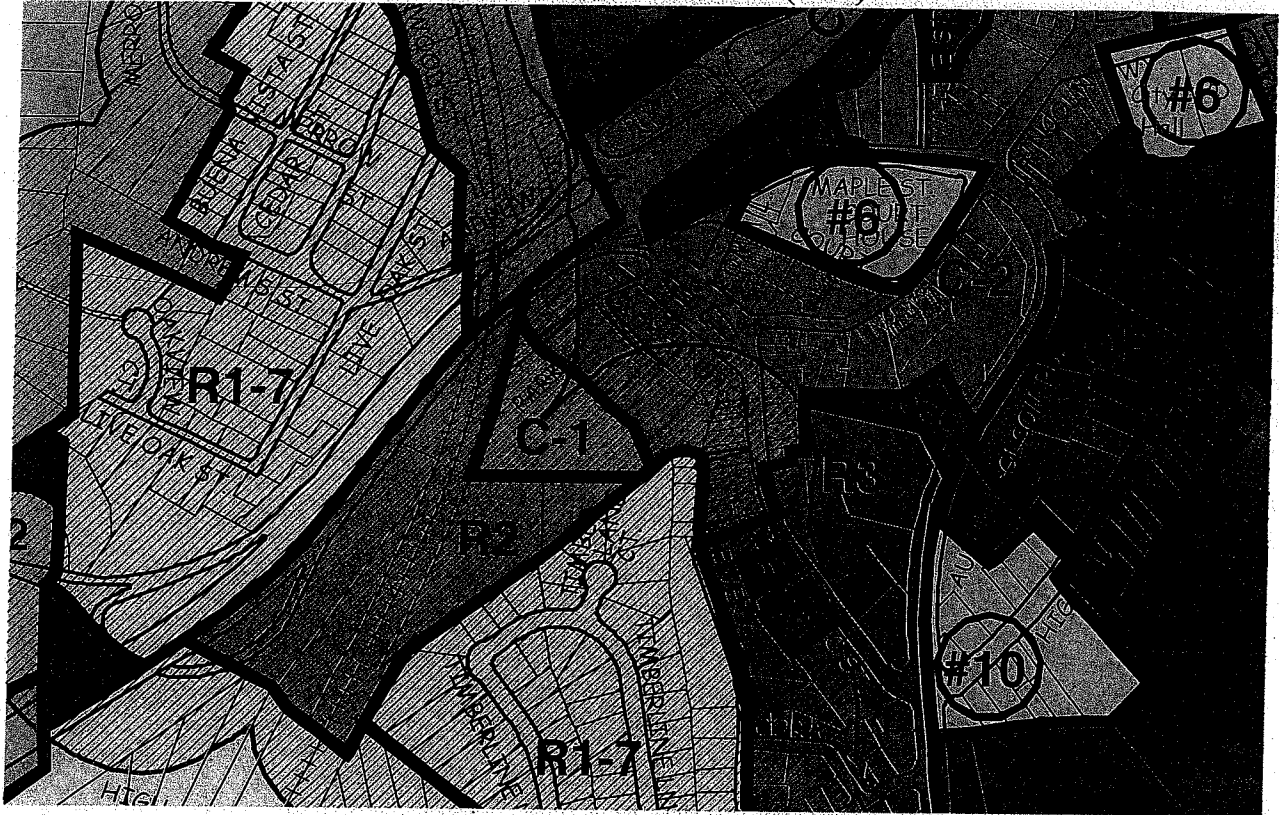
# **SITE 1 - NEIGHBORHOOD COMMERCIAL (C-1)**



# **SITE 2 - NEIGHBORHOOD COMMERCIAL (C-1)**



### SITE 3 - NEIGHBORHOOD COMMERCIAL (C-1)



### SITES 4 & 5 - NEIGHBORHOOD COMMERCIAL (C-1)



## EMERGENCY HOMELESS SHELTER ZONE DISTRICT REVIEW

### CENTRAL BUSINESS DISTRICT (C-2)

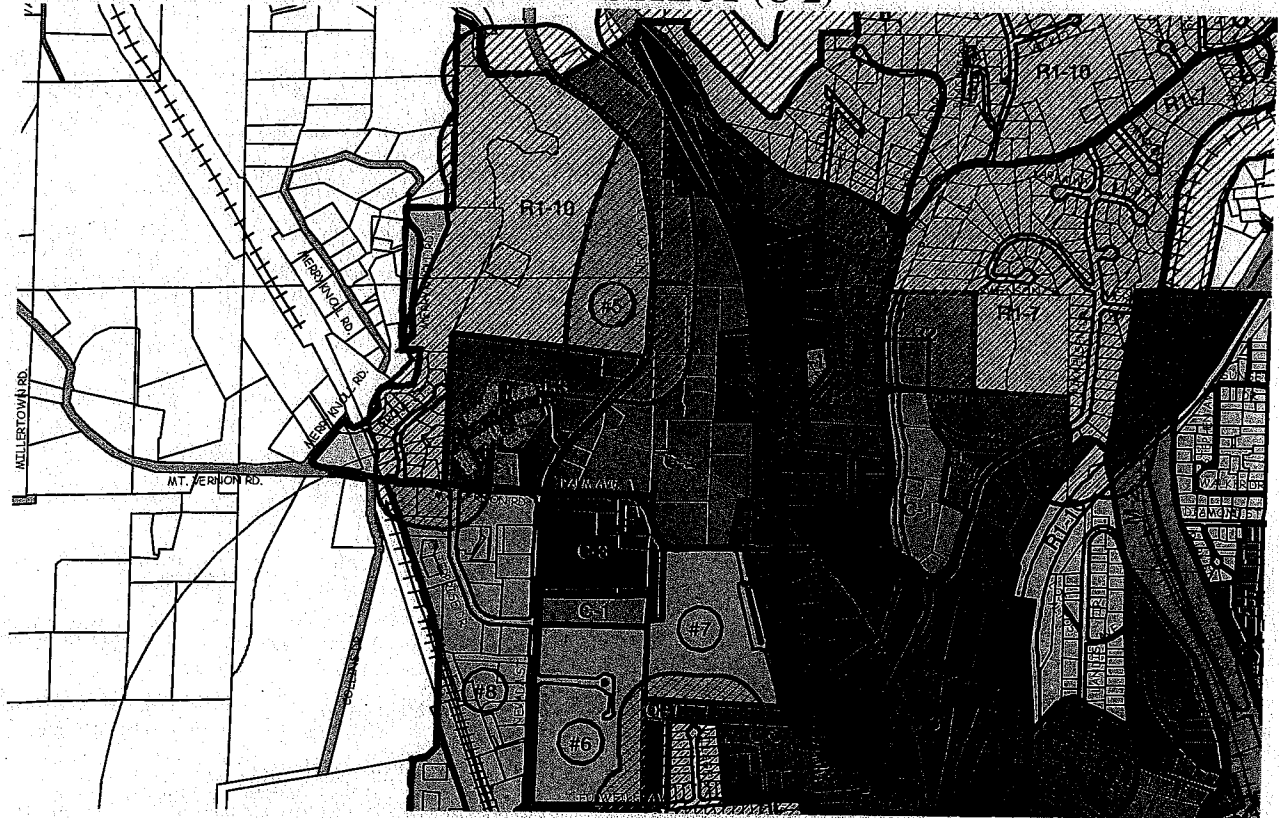
The Central Business District (C-2) zoned areas are predominately associated with Nevada Street and the Downtown and Old Town areas. Factors associated with the C-2 zone include:

1. Site 1 – Includes the C-2 area on Nevada Street north of Palm Avenue and Mixed-Use Zone #6 on Nevada Street
  - a. Nevada Street C-2 area
    - i. Mix of developed, under-developed, and vacant properties.
    - ii. Existing development includes single-family residences, offices, theater, and autobody shop.
    - iii. Near services.
    - iv. The 300' separation standard from the R-1 zone restricts the northern and middle portions of this zone.
  - b. Mixed-Use Zone #6
    - i. Includes the County offices, school district offices, library, outdoor amphitheater.
    - ii. Near the multi-modal station.
    - iii. The 300' separation standard from the R-1 zone restricts the eastern portion of this zone.
2. Site 2 – Includes the C-2/C-2A area near Garfield Street & Shirley Way
  - a. Developed with mix of single-family residences, apartments, and offices.
  - b. Near services.
3. Site 3 - Downtown area.
  - a. Includes the C-2 area from east of the Police Station to the Martin Park Fire Station.
  - b. Includes Mixed-Use Zone #6 north of C-2 zone.
  - c. Largely developed with mix of offices, retail, restaurants, and residences.
  - d. The 300' separation standard from the R-1 zone restricts parts of the zone east of Lincoln Way.
  - e. Near services.
4. Site 4 – Old Town area.
  - a. Includes the C-2 area from City Hall to Old Town.
  - b. Includes Mixed-Use Zone #6 (City Hall; Police Station; County Courthouse).
  - c. Largely developed with mix of offices, retail, restaurants, and residences.
  - d. The 300' separation standard from the R-1 zone restricts the western part of the Old Town area.

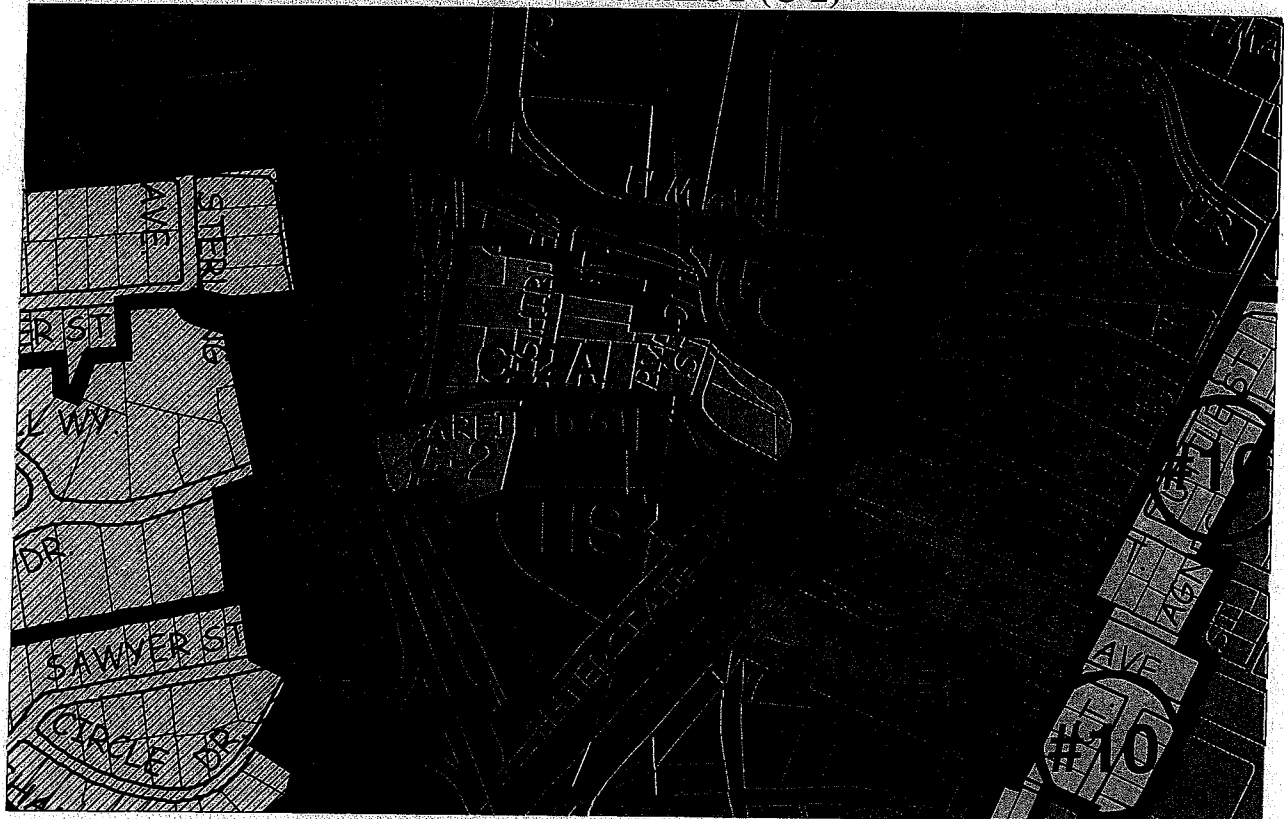
5. Site 5 – East Placer and Union Street north of Interstate 80.
  - a. Includes the C-2 area north of I-80.
  - b. East Placer includes one existing office lot
  - c. Union Street includes a couple existing residences and a few vacant small lots; most all lots are impacted by the 300' separation standard from the R-1 zone.
6. The C-2 zone district provides a sufficient number of adequate sites with minimal conflict from the R-1 zone, and therefore, could meet the requirements of SB 2.



# **SITE 1 – CENTRAL BUSINESS DISTRICT (C-2)**



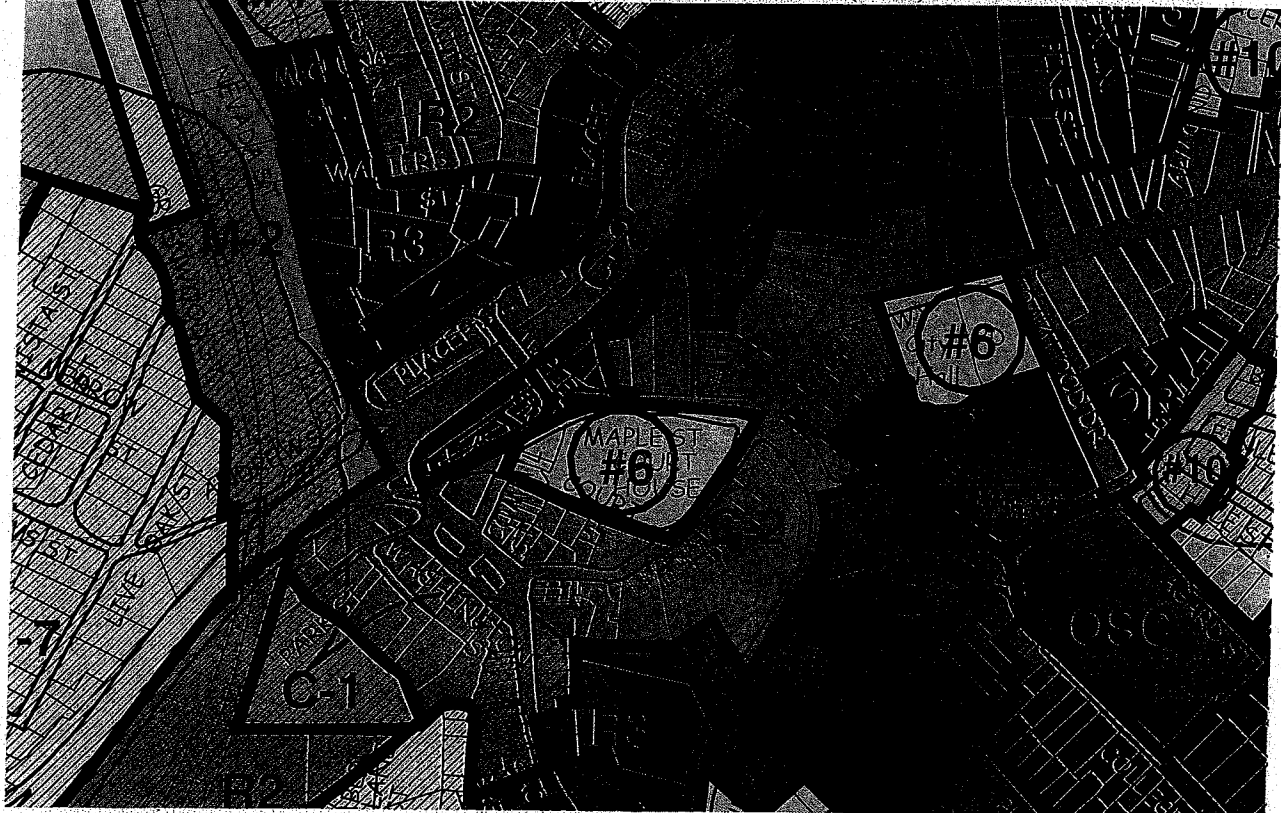
# **SITE 2 – CENTRAL BUSINESS DISTRICT (C-2)**



**SITE 3 – CENTRAL BUSINESS DISTRICT (C-2)**



**SITES 4 & 5 – CENTRAL BUSINESS DISTRICT (C-2)**



**EMERGENCY HOMELESS SHELTER  
ZONE DISTRICT REVIEW**

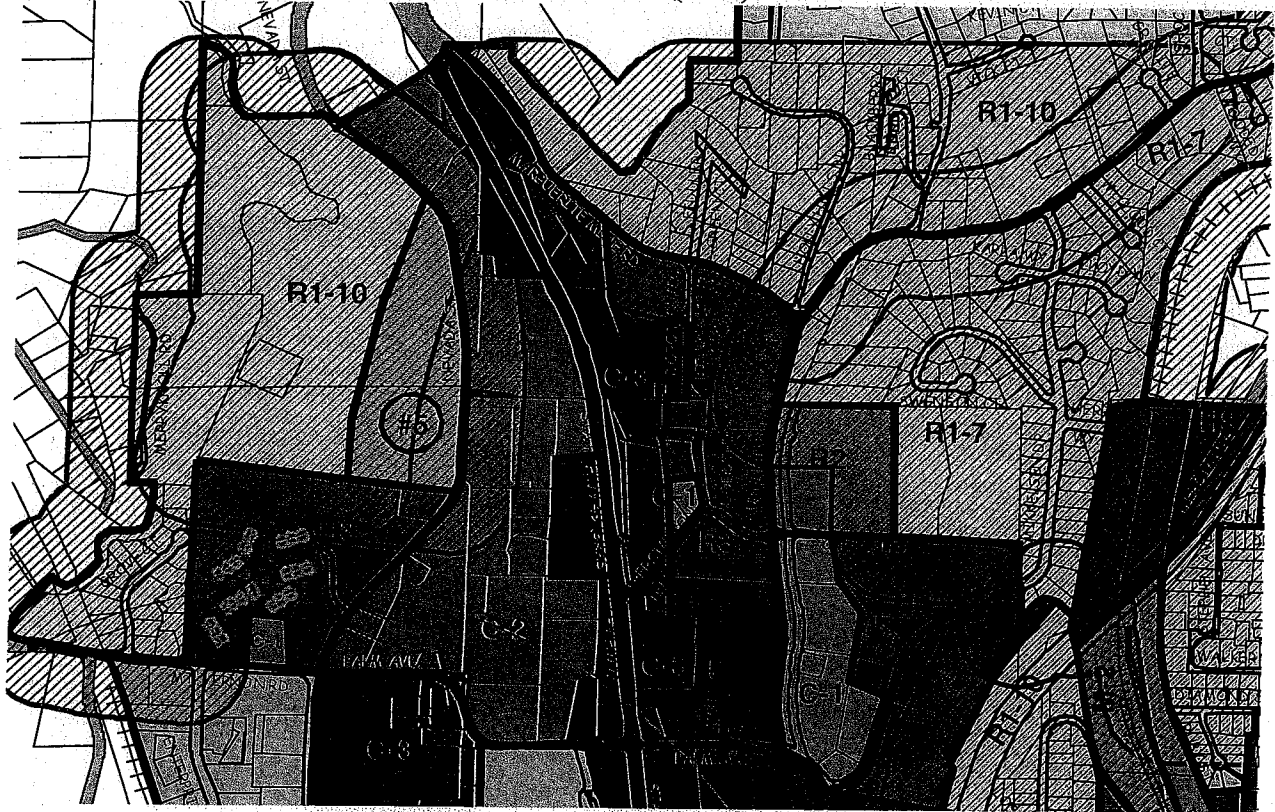
**REGIONAL COMMERCIAL (C-3)**

The Regional Commercial (C-3) zone district includes several areas throughout the City. Factors associated with the C-3 zone include:

1. The main C-3 zoned area occurs along Hwy 49, extending north from I-80 to Elm Avenue, Palm Avenue, and the City Limits.
2. Largely developed with mix of commercial/retail, offices, restaurants, and automotive/RV dealerships.
3. On or near existing Auburn transit routes.
4. Services typically available.
5. Majority of C-3 zoned areas already developed. Vacant or under-developed areas include:
  - a. South side of Palm Avenue at Auburn Ravine Road.
  - b. Lot on Wall Street
  - c. Auburn Ravine Road opposite Epperle Road
  - d. Two lots on Epperle Road.
  - e. Multiple lots on Sacramento Street at Auburn Folsom Road
6. One of larger zone districts by area (excluding R-1 and OSC zones).
7. Site 1 – Hwy 49 North
  - a. The C-3 area along Hwy 49 north of Palm Avenue.
  - b. Largely developed with offices, retail, restaurants, auto dealerships
  - c. Vacant or under-developed property on Wall Street and Marguerite Mine Road.
  - d. The 300' separation standard from the R-1 zone restricts the northern extent of this area on Marguerite Mine Road.
8. Site 2 – Hwy 49 South
  - a. The C-3 areas south of Palm Avenue to I-80.
  - b. Includes Mixed Use Zone #7 (C-3 and OSC) – E.V. Cain Middle School.
  - c. Includes Eisley's Nursery at Nevada Street and Palm Avenue.
  - d. Largely developed with mix of offices, retail, restaurants, RV dealership, and a nursery.
  - e. A few single-family residences found west of Mixed use Zone #7 and near Sawyer Street in the southern part of the zone. Additional residential and a couple care facilities in the southwestern extension of the zone along Placer Street.
  - f. The 300' separation standard from the R-1 zone restricts portions of the zone, including the majority of the zone from I-80 north to, and including, the Fulweiler/Elm intersection; as well as parts of Elm Plaza and Epperle Lane.

9. Site 3 – East Lincoln Way at Russell Road
  - a. Existing development includes retail and automotive service.
  - b. Vacant land on either side of Russell Road including a former hotel site.
  - c. Situated on the City/County border.
10. Site 4 – Sacramento Street area
  - a. Includes Auburn Folsom Road at Fairgate and Sacramento Street
    - i. Adjacent to County Fairgrounds.
    - ii. Development includes retail, veterinary, car wash
    - iii. Includes multiple vacant lots
  - b. Includes northeast corner Sacramento Street and Pacific Avenue
    - i. Adjacent to R-1 zone.
    - ii. The 300' separation standard from the R-1 zone renders the site unusable.
11. The C-3 zone district does provide a sufficient number of adequate sites with minimal conflict from the R-1 zone, and therefore, could meet the requirements of SB 2.

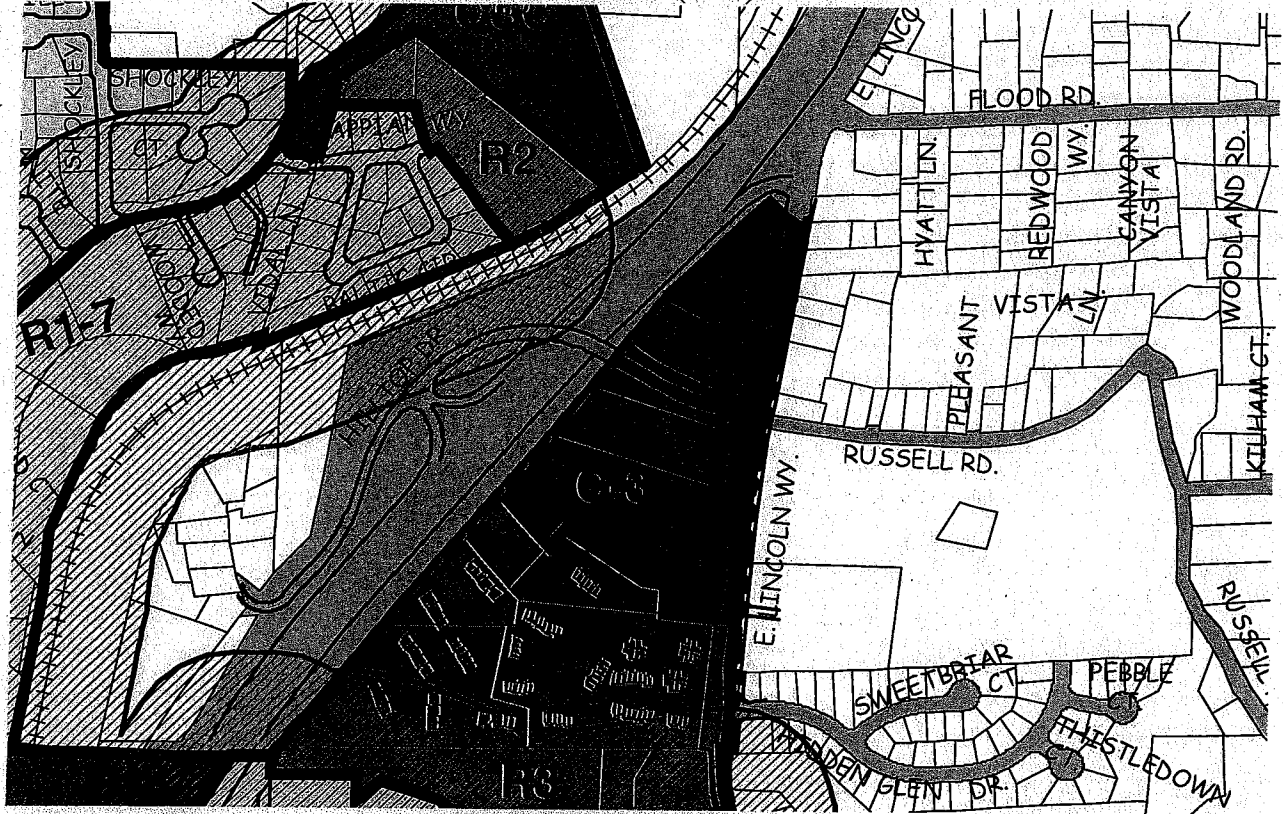
**SITE 1 – REGIONAL COMMERCIAL (C-3)**



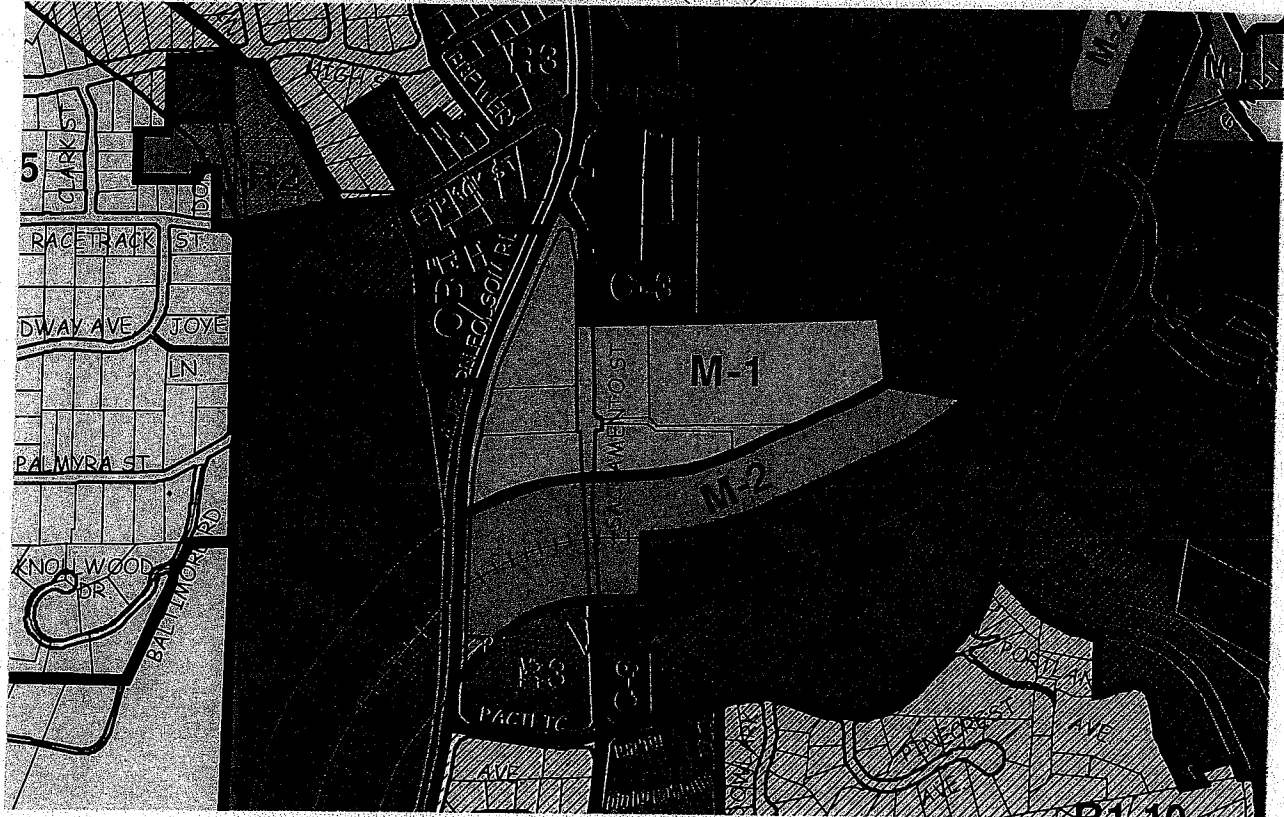
**SITE 2 – REGIONAL COMMERCIAL (C-3)**



### SITE 3 – REGIONAL COMMERCIAL (C-3)



### SITE 4 – REGIONAL COMMERCIAL (C-3)





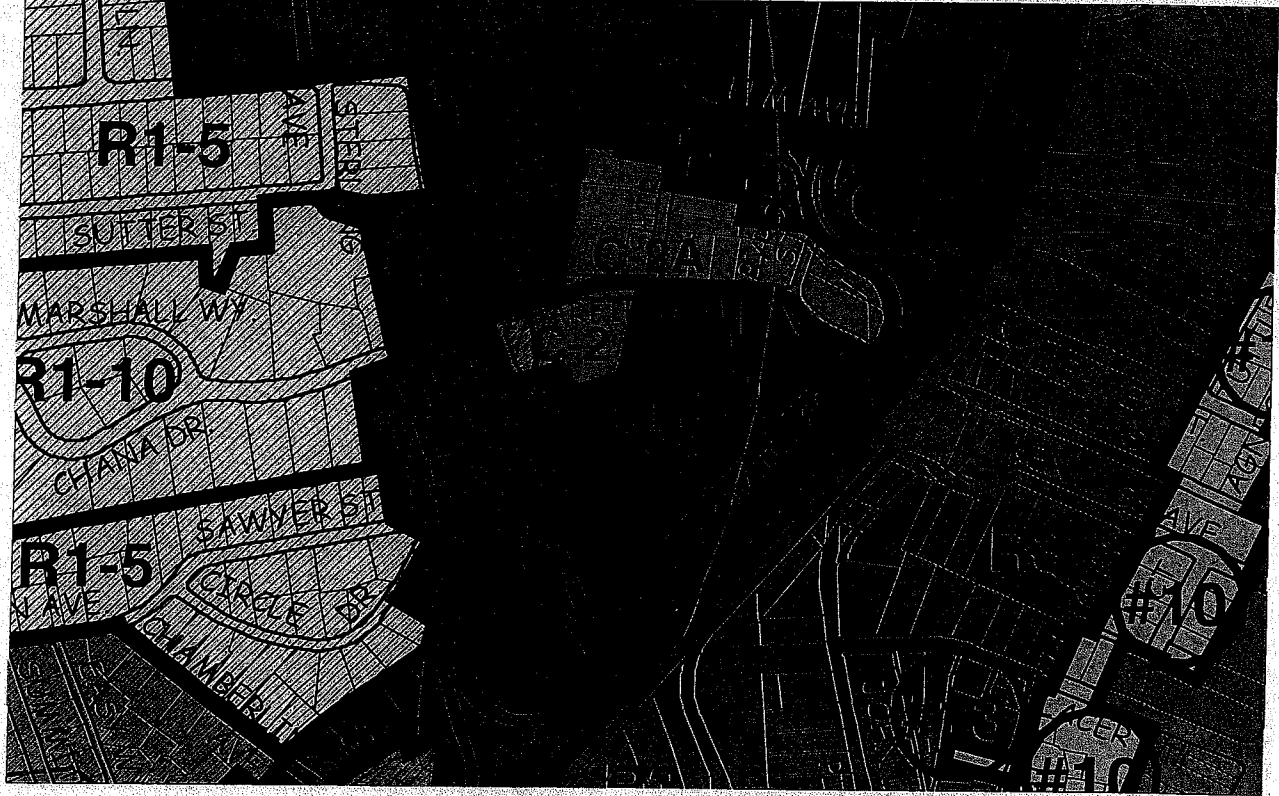
**EMERGENCY HOMELESS SHELTER  
ZONE DISTRICT REVIEW**

**HIGHWAY SERVICE (HS) DISTRICT**

The Highway Service (HS) district includes two locations in Auburn (see attached maps):

1. Site 1 - Located on north side of Interstate 80 at Hwy 49
  - a. Site is developed with Holiday Inn and the In-N-Out restaurant.
  - b. Near-term conversion of sites unlikely based on current uses.
  - c. Close to services.
2. Site 2 - North of Interstate 80 on Hilltop Drive
  - a. Site is part of an existing outdoor display lot for Sundowner RV in Placer County.
  - b. Application of the 300' separation standard from the R-1 zone renders this site unusable.
  - c. Small triangular-shaped lot; unlikely to support a sufficiently-sized building.
  - d. Poor site access - via the Russell Road overpass and Hilltop Drive; must cross through the existing Sundowner RV parking/display lot.
3. The HS zone district does not provide a sufficient number of adequate sites and would not be consistent with the requirements of SB 2.

**SITE 1 – HIGHWAY SERVICE (HS)**



**SITE 2 – HIGHWAY SERVICE (HS)**





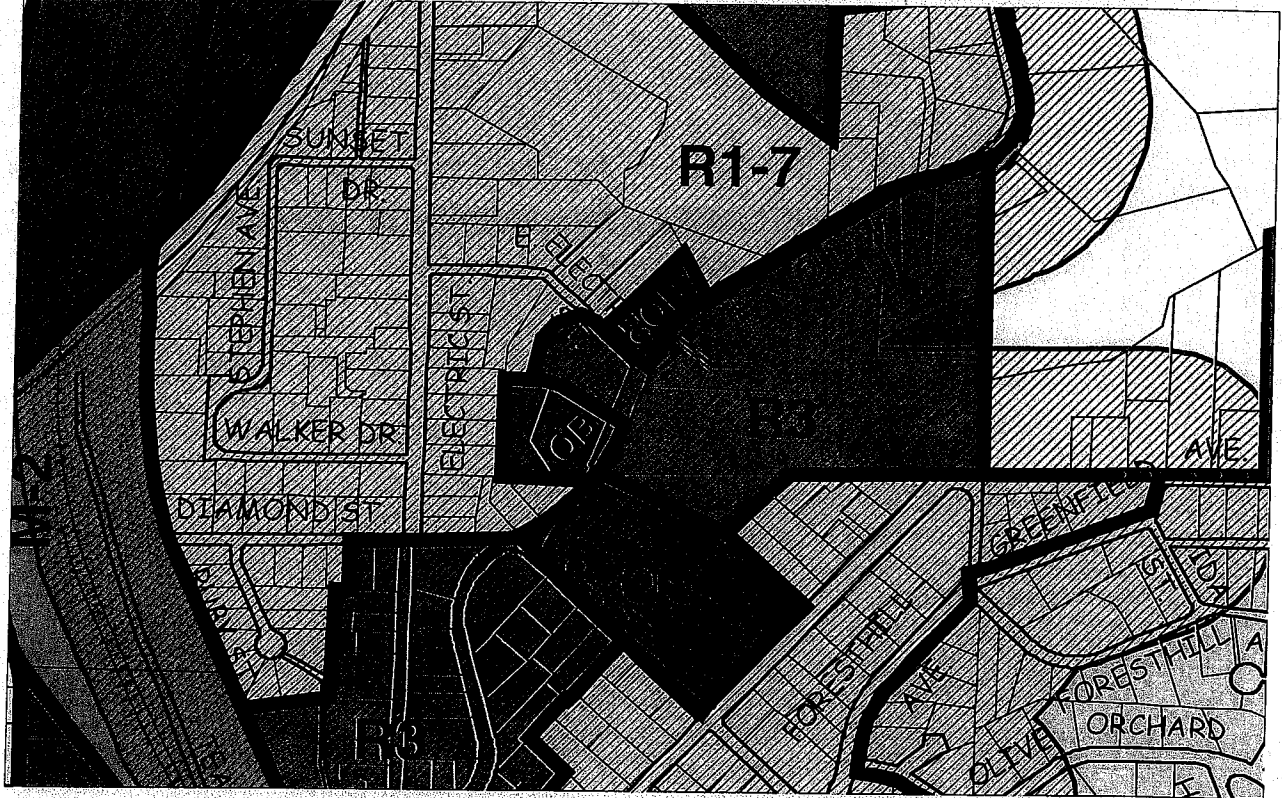
## EMERGENCY HOMELESS SHELTER ZONE DISTRICT REVIEW

### OFFICE BUILDING (OB) DISTRICT

The Office Building (OB) district has several locations throughout Auburn. Provided below are the factors associated with the OB zone:

1. Site 1 – Lincoln Way near Electric Street
  - a. Two small areas; both are developed with existing offices
  - b. Located across from former Alta Vista soccer field.
  - c. The 300' separation standard from the R-1 zone renders these sites unusable.
2. Site 2 – North of Fulweiler Avenue; east of Placer County offices.
  - a. Site is adjacent the E.V. Cain Middle School.
  - b. Located near multi-modal station.
  - c. The 300' separation standard from the R-1 zone renders these sites unusable.
3. Site 3 – Downtown area.
  - a. Includes Mixed-Use Zone #10 between C-2 and R-3 zone districts.
    - i. Site is mixed use zone - OB/R-3
    - ii. Transition area between C-2 and R3 zones.
    - iii. Area includes multiple smaller lots.
    - iv. Lots largely developed with residences or smaller offices/businesses.
    - v. Individual lots typically too small for development of a shelter.
  - b. Includes two small OB areas and one Mixed-Use Zone #10 east of Park Preserve.
    - i. Near Placer High School.
    - ii. Developed with mix of office, single-family, and multi-family dwellings.
    - iii. The 300' separation standard from the R-1 zone renders these sites unusable.
4. Site 4 – Old Town area.
  - a. OB area north of City Hall
    - i. Include I-80; Veteran's Hall, a couple small office buildings, and one house.
  - b. Includes OB area and mixed use Zone #10 on High St southwest of Park Preserve.
    - i. Near Placer High School and County fairgrounds
    - ii. Developed with mix of office, single-family, and multiple-family dwellings.
  - c. Includes single lot in Old Town, west of Sacramento Street.
    - i. Lot too small for a shelter.
    - ii. The 300' separation standard from the R-1 zone renders these sites unusable.
5. Site 5 – Includes office complex on Auburn Folsom Rd, west of Sacramento Street.
  - a. The 300' separation standard from the R-1 zone restricts the northern part of this site.
6. Site 6 – South side of Indian Hill Road
  - a. Site developed with the Indian Hill Office project.
  - b. Adjacent to the R-1 zone district
  - c. The 300' separation standard from the R-1 zone renders the site unusable.
7. The OB zone district provides a sufficient number of adequate sites with little conflict from the R-1 zone, and therefore, could meet the requirements of SB 2.

# **SITE 1 - OFFICE BUILDING (OB)**



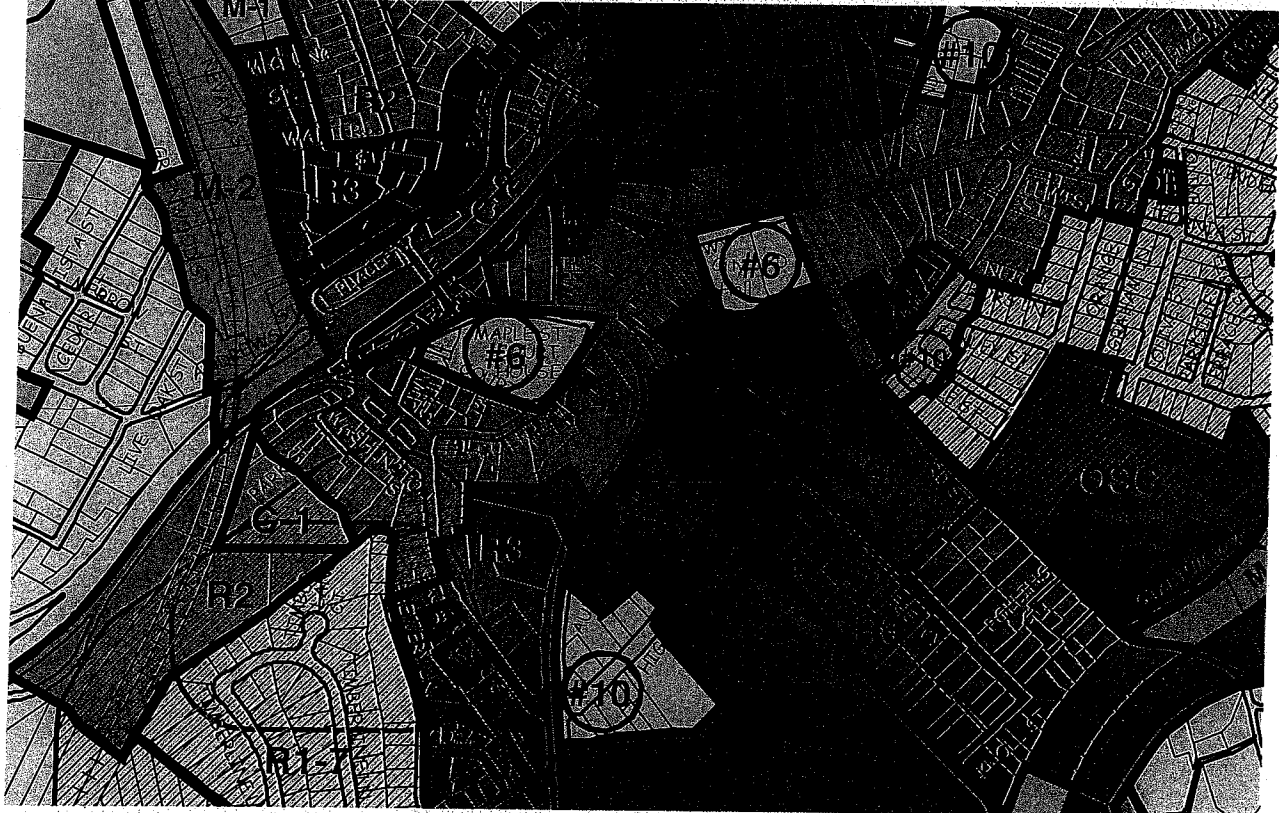
# **SITE 2 - OFFICE BUILDING (OB)**



**SITE 3 - OFFICE BUILDING (OB)**



**SITE 4 - OFFICE BUILDING (OB)**



The map displays a portion of the Sacramento region. Key features include:

- Streets:** HIGH ST, OSCEOLA ST, JOYE LN, M-1, M-2, SACRAMENTO ST, LWOOD DR, and LIMORE RD.
- Zones:** R2, M-1, and M-2.
- Other Labels:** OSC, LWOOD DR, and LIMORE RD.

**EMERGENCY HOMELESS SHELTER  
ZONE DISTRICT REVIEW**

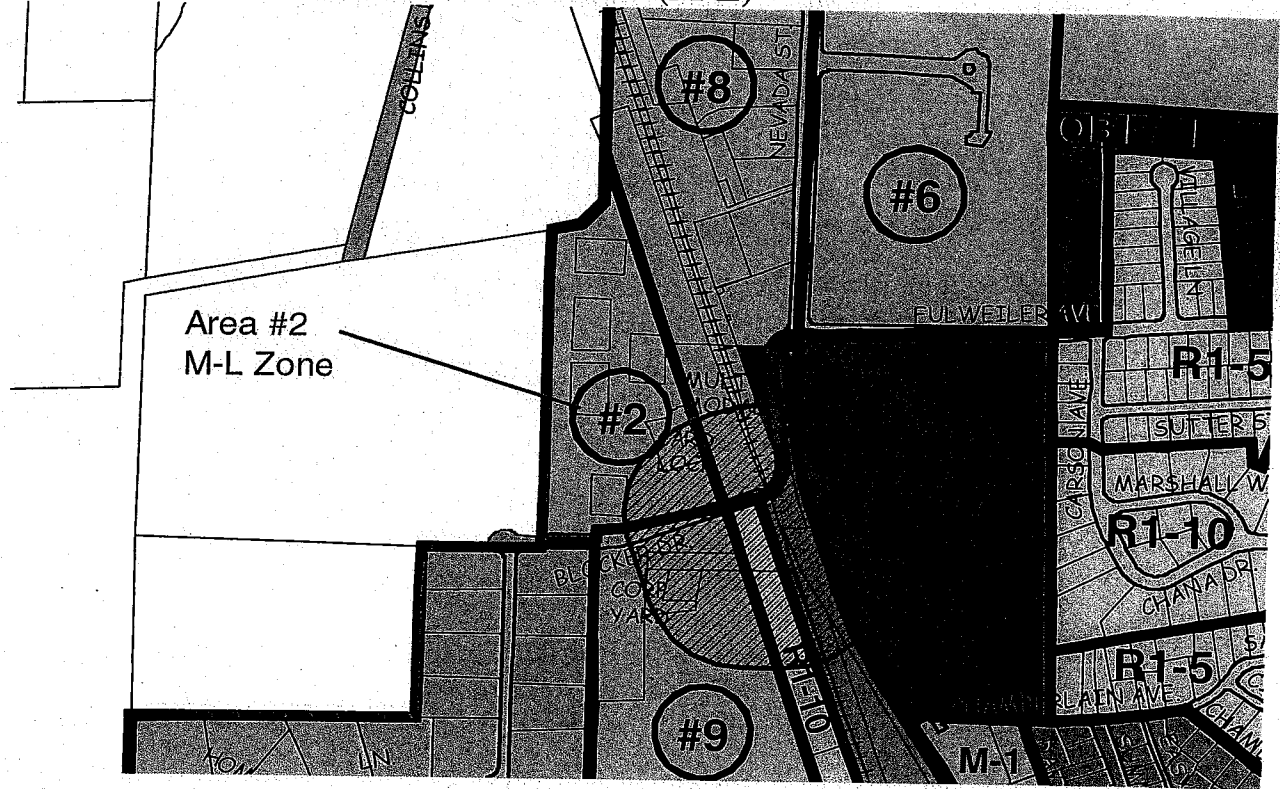
**LIGHT MANUFACTURING (M-L) DISTRICT**

The Light Manufacturing (M-L) district includes two locations in Auburn (see attached maps):

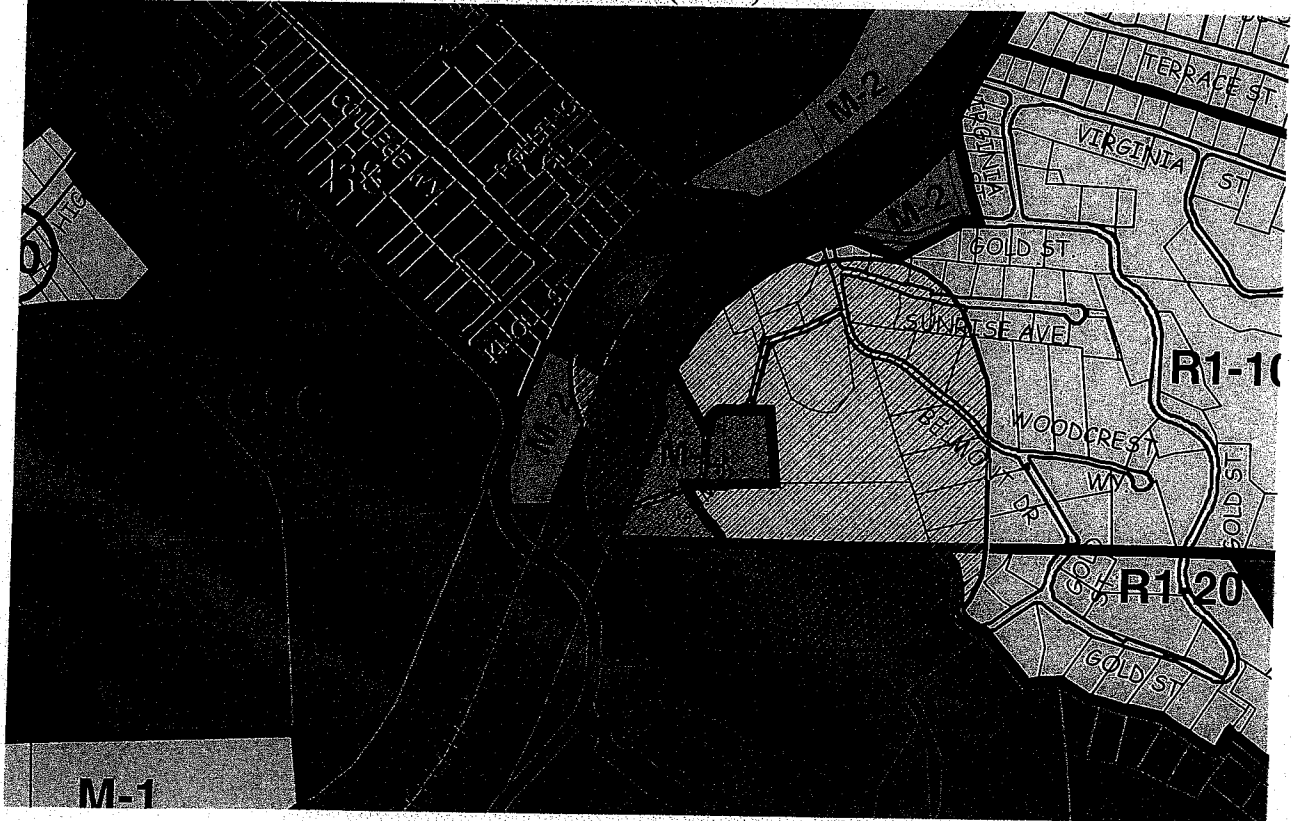
1. Site 1 - Located on Blocker Drive, west of the multi-modal station
  - a. Site is largely developed with the Creekside Center office park.
  - b. Close to the multi-modal station.
  - c. One existing building and one potential building pad would be eliminated from consideration when applying the 300' separation to properties in the Single-family Residential (R-1) zone.
  - d. Located north of the Hidden Creek subdivision.
2. Site 2 - Located on Gum Lane north of the Skate Park
  - a. Located  $\pm 450'$  north of the Skate Park.
  - b. The 300' separation standard from the R-1 zone renders these sites unusable.
  - c. Not situated near transit or services.
  - d. Site and area lacks sidewalks.
3. The M-L zone district does not provide a sufficient number of adequate sites and would not be consistent with the requirements of SB 2.



## SITE 1 - LIGHT MANUFACTURING (M-L)



## SITE 2 - LIGHT MANUFACTURING (M-L)



**EMERGENCY HOMELESS SHELTER  
ZONE DISTRICT REVIEW****INDUSTRIAL PARK (M-1) DISTRICT**

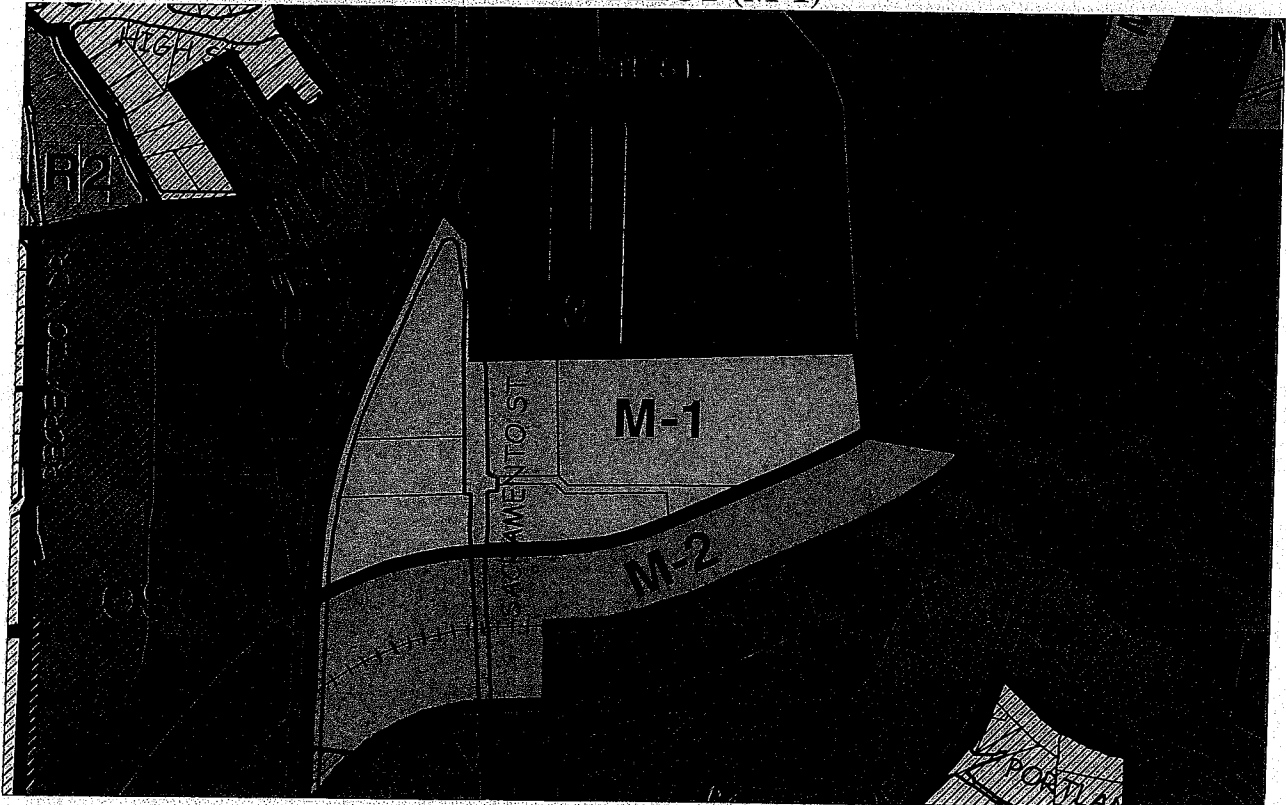
The Industrial Park (M-1) district includes two locations in Auburn (see attached maps):

1. Site 1 – Nevada Street and Blocker Drive
  - a. Includes Mixed-Use Zone #8 (M-1/C-1); west side of Nevada Street
    - i. Largely developed with mix of offices, retail, restaurants, automotive services, storage, and a few residential units.
    - ii. The 300' separation standard from the R-1 zone restricts several lots at the northern limits of the zone unusable.
    - iii. Located near multi-modal station.
  - b. Includes Mixed-Use Zone #9 (M-1/R1-10/OSC); on Blocker Drive
    - i. Former AUDA lot south of multi-modal park-and-ride lot.
    - ii. Adjacent to multi-modal station.
    - iii. Vacant site.
    - iv. The 300' separation standard from the R-1 zone renders the site unusable.
2. Site 2 – Sacramento Street
  - a. Developed with mix of industrial and office uses
  - b. On the Auburn transit route.
3. The M-1 zone district provides a sufficient number of adequate sites with little conflict from the R-1 zone, and therefore, could meet the requirements of SB 2.

# **SITE 1 - INDUSTRIAL PARK DISTRICT (M-1)**



# **SITE 2 - INDUSTRIAL PARK DISTRICT (M-1)**



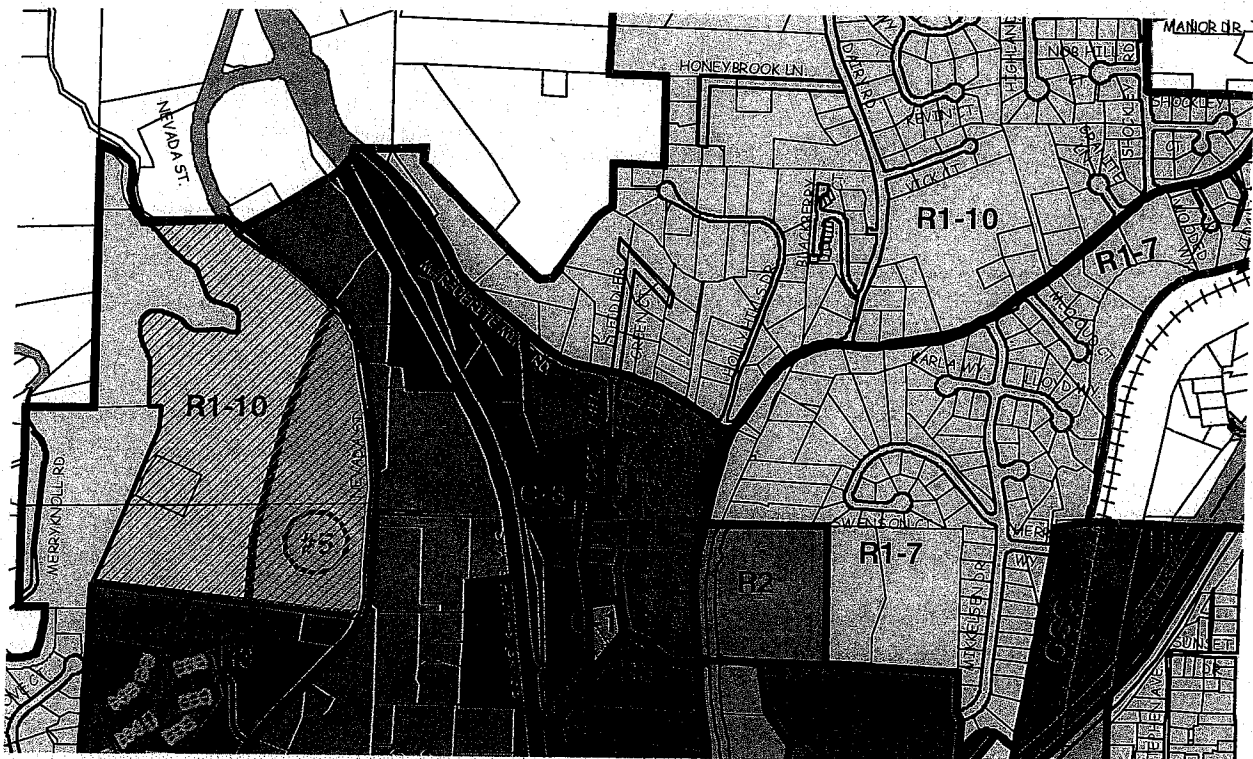


**ZONING  
OVERLAY  
INFORMATION**

Ordinance Amendment to create Emergency Shelter (ES) Overlay  
Rezone  
Environmental/CEQA  
Notice property owners of parcels  
Notice property owners 500 feet surrounding parcels  
Public hearings before Planning Commission and City Council

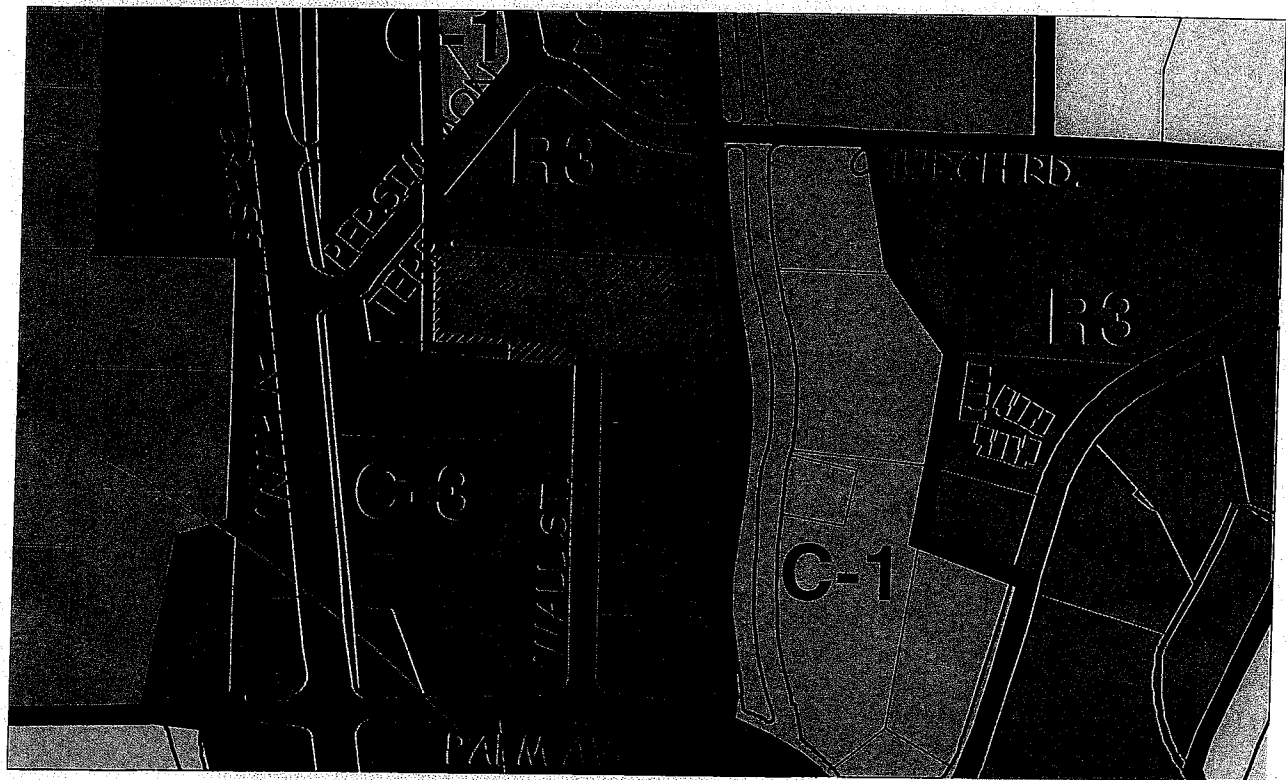


Zoned R-1-10, C-1/R-3



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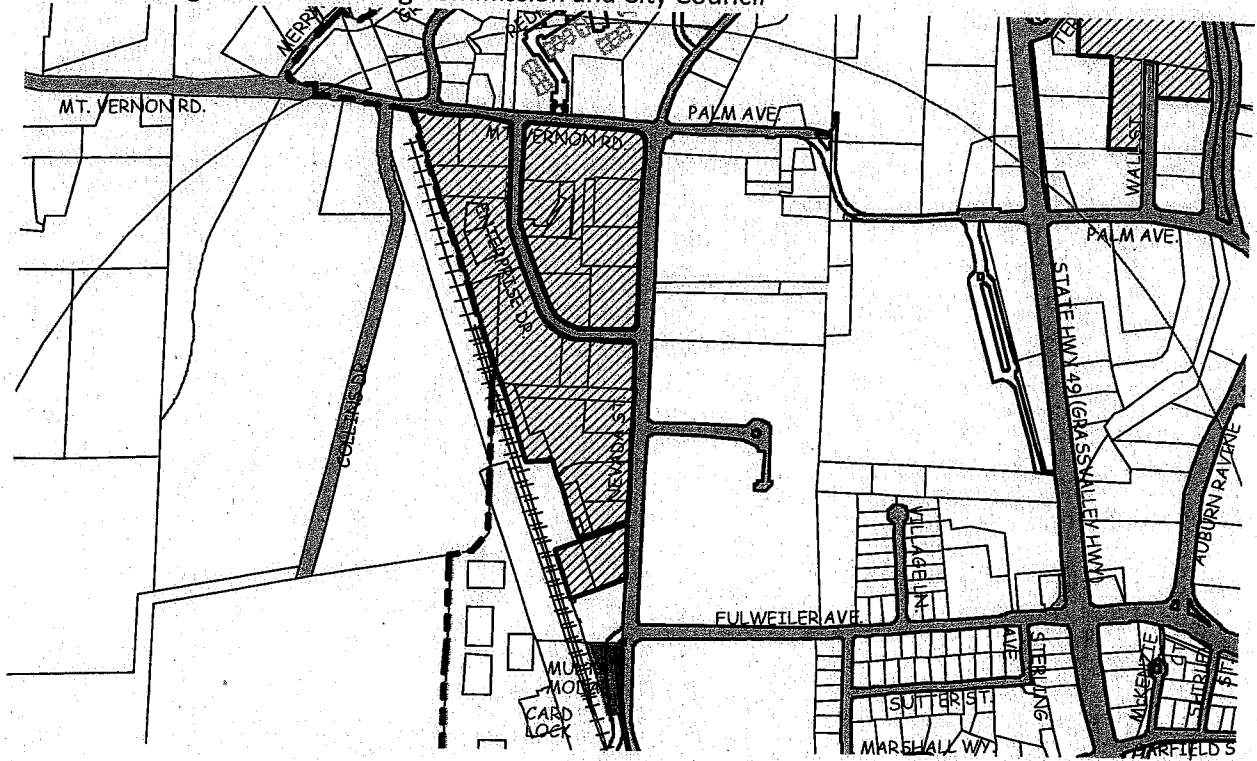




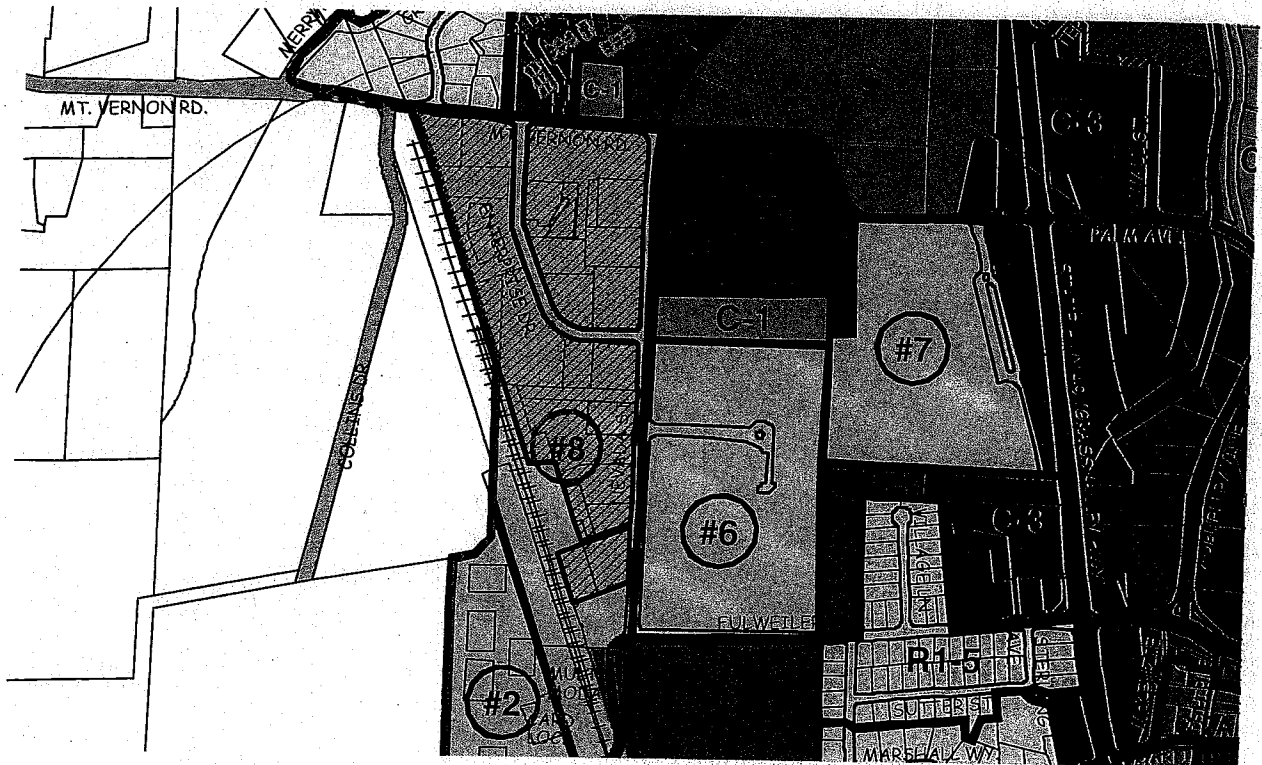
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Ordinance Amendment to create Emergency Shelter (ES) Overlay  
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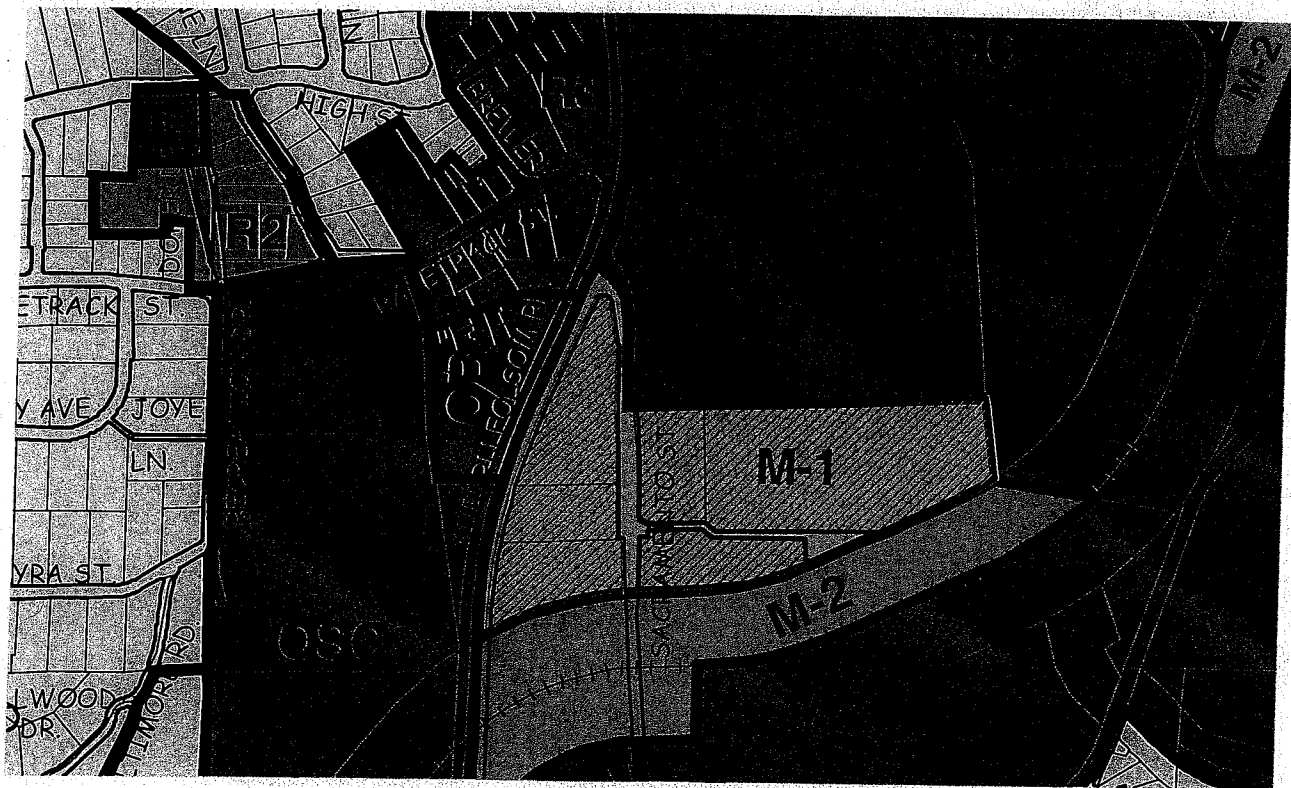
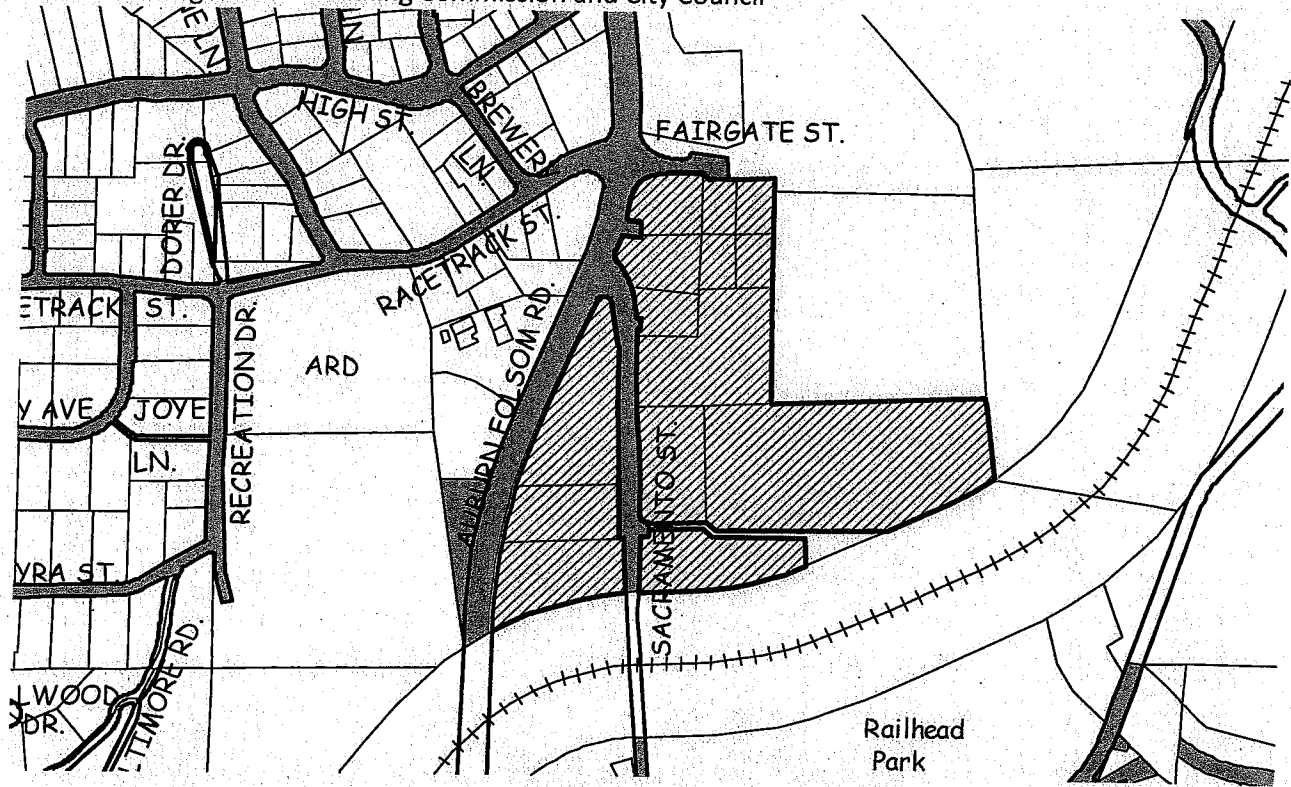
Zoned M-1/C-1



Ordinance Amendment to create Emergency Shelter (ES) Overlay  
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Environmental/CEQA  
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Notice property owners 500 feet surrounding parcels  
Public hearings before Planning Commission and City Council

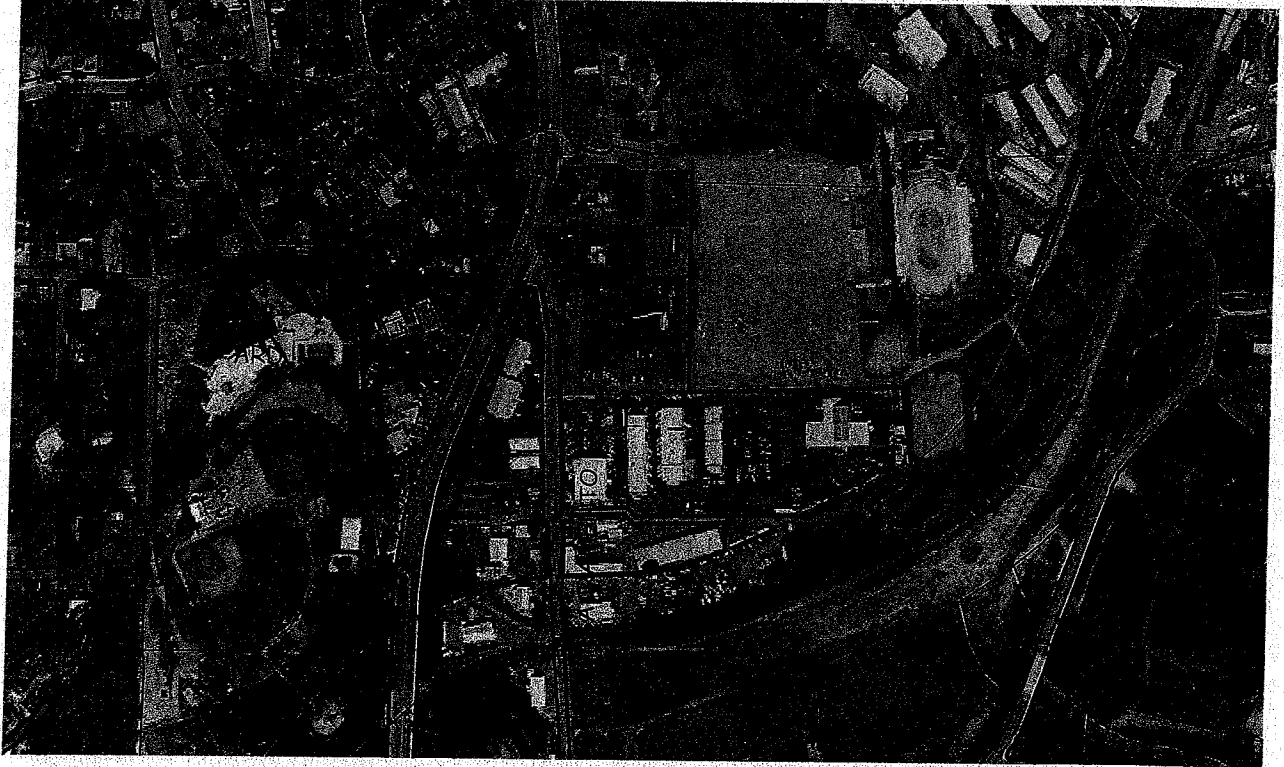


Ordinance Amendment to create Emergency Shelter (ES) Overlay  
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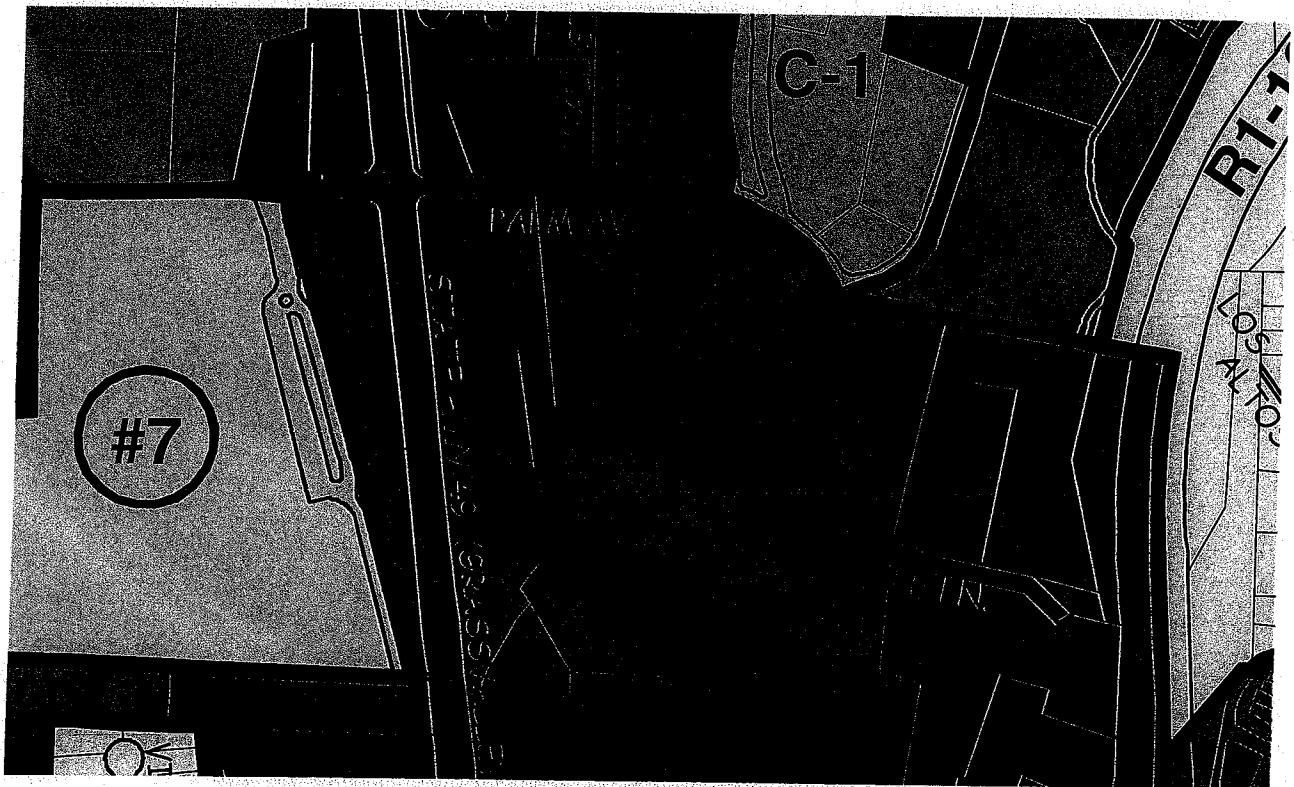
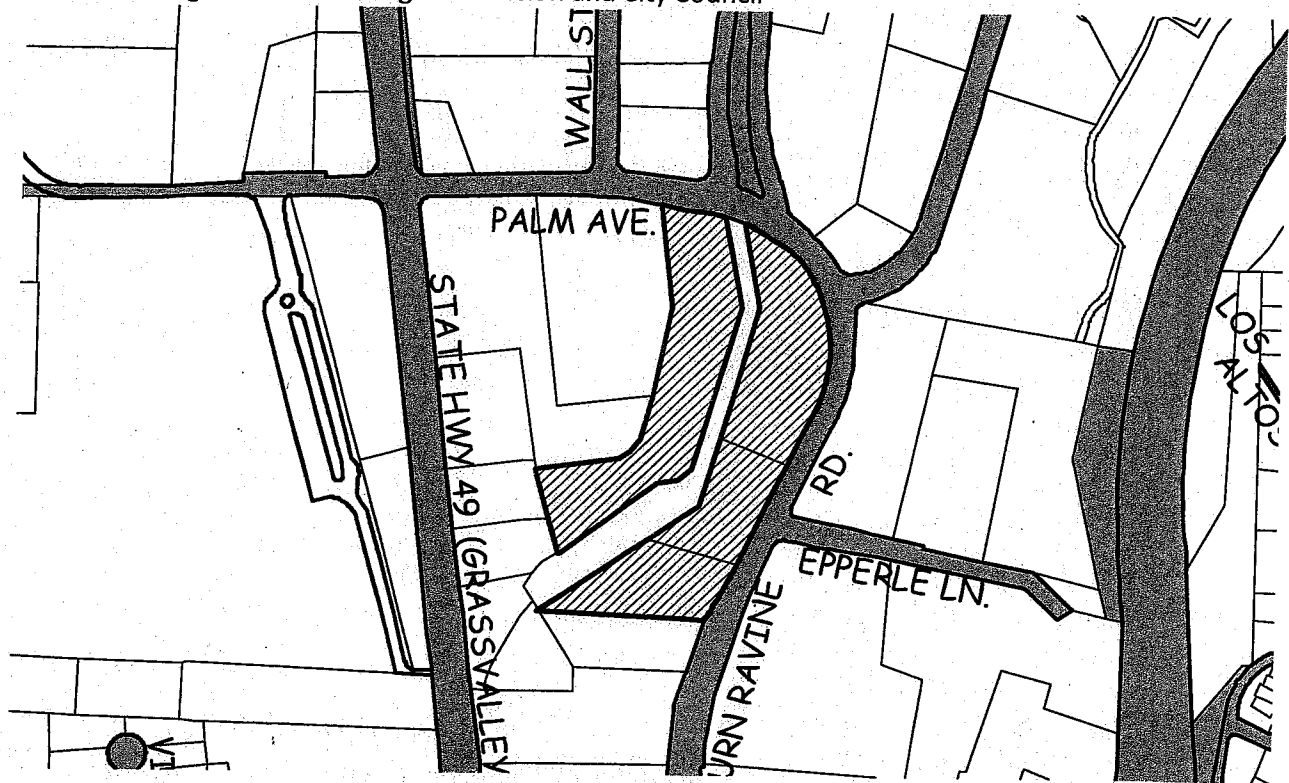




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